

INDEX.

	Page.
ABANDONMENT. See Patents for Inventions, 3; Public Lands, III, 6.	
ACCOUNTANTS. See Constitutional Law, VI; XIII, 5.	
ACCOUNTING. See Equity, 4.	
ADEQUATE LEGAL REMEDY. See Equity, 1-3.	
ADMINISTRATION. See Executors and Administrators; Trusts and Trustees; Wills.	
ADMINISTRATIVE DECISIONS. See Aliens, 1-8; Canal Zone, 1, 2; Constitutional Law, VI; XIII, 2, 3, 5, 11, 15, 17; Equity, 2, 3; Interstate Commerce Acts, II; Jurisdiction, I, 2; IV, 10, 20; Navy, 2-6; Public Lands, I; Unfair Competition.	
ADMIRALTY:	
Shipping Commissioners Act; rights of seamen under. See <i>Street v. Shipowners' Assn.</i>	334
1. <i>Rules</i> , of this Court, for inferior tribunals in admiralty, cannot enlarge or restrict jurisdiction, or modify substantive law. <i>Washington-Southern Co. v. Baltimore Co.</i>	629
2. <i>Cross-Libel; Security; Rule 50.</i> Power of District Court to stay proceedings on original libel until libelant shall give security to respond to counterclaim. <i>Id.</i>	
3. <i>Freight Contract; Stowage.</i> Preliminary contract giving ship option as to place of stowage; subsequent issuance of clean bill of lading as representation that stowage will be below deck. <i>St. Johns Shipping Corp. v. Companhia Geral</i>	119
4. <i>Id. Deviation; Measure of Damages.</i> Cargo stowed on deck and jettisoned during storm; ship liable for deviation; damages measured by value at destination. <i>Id.</i>	

ADMIRALTY.—Continued.

Page.

5. *Marine and War Risk Insurance*. “*Warlike Operations*” clause construed narrowly; applicable only to proximate cause of loss. *Queen Ins. Co. v. Globe & Rutgers Co.*..... 487
6. *Id.* Loss from collision between merchant vessels under convoy and sailing without lights, *held* not attributable to warlike operations. *Id.*
7. *Id.* *English Law*. Special reasons for following. *Id.*

ADMISSIONS. See **Aliens**, 4-8; **Evidence**, 2.

ADVERSE POSSESSION:

1. *Canal Zone*; *Civ. Code, Arts. 2531, 2526*. Owner of registered title in possession for period of extraordinary prescription, cannot be disseized by registration of conveyance by stranger to title and subsequent lapse of period of ordinary prescription. *Diaz v. Patterson*..... 399
2. *Id.* *Notice to Unknown Claimants*. Failure of court to order, will not avail plaintiff who fails to establish title in himself. *Id.*

AGENCY. See **Interstate Commerce**, 1.

AGENT, TRANSPORTATION ACT. See **Carriers**, 4-7; **Jurisdiction**, VI, 5, 6.

ALASKA. See **Taxation**, III.

ALIENS:

1. *Deportation; Issue of Alienage*. When a jurisdictional fact, which must be found, to sustain deportation. *Bilokumsky v. Tod*..... 149
2. *Id.* *Burden of Proof*, on Government. *Id.*
3. *Habeas Corpus* lies when essential finding of fact unsupported by evidence. When person held not entitled to discharge because warrant of arrest issued without probable cause. *Id.*
4. *Self-Incrimination; Sedition*. *Admission of Alienage*, does not incriminate person arrested and charged with possessing seditious matter. *Id.*
5. *Id.* Person arrested may be compelled to testify whether he is an alien; inference from standing mute. *Id.*

ALIENS—Continued.

Page.

6. *Search and Seizure*. Interrogation under oath by government official of one lawfully in confinement, not a search and seizure. *Id.*

7. *Right to Counsel*. *Rules of Secretary of Labor*, do not require advice as to right to counsel and to decline to answer, before interrogation of person under investigation as to alienage. *Id.*

8. *Unfair Hearing*. Admission of alienage made previously by person held, while in custody of state authorities, may be used in evidence in deportation proceedings. *Id.*

9. *Contracts*. Citizen's right to contract with alien; denied where alien cannot legally make and carry out contract. *Webb v. O'Brien*..... 313

10. *Land Ownership*. Power of State, to deny right to aliens, in absence of treaty to contrary. *Id.*

11. *Id.* *Japan Treaty, 1911*, does not confer upon Japanese subjects right to own or lease for agricultural purposes. *Terrace v. Thompson*..... 197
Webb v. O'Brien..... 313
Porterfield v. Webb..... 225
Frick v. Webb..... 326

12. *California and Washington Alien Land Laws*, forbidding aliens ineligible to citizenship to acquire interests in land, sustained.
Porterfield v. Webb..... 225
Webb v. O'Brien..... 313
Terrace v. Thompson..... 197

13. *Id.* *Shares in Agricultural Corporation*. Sale by citizen to ineligible alien; California law prohibiting, sustained. *Frick v. Webb*..... 326

14. *Id.* *Washington Law*, as construed by State Supreme Court, held not in conflict with state constitution. *Terrace v. Thompson*..... 197

15. *Id.* *Criminal and Forfeiture Proceedings*. When citizen landowner and alien Japanese may sue to enjoin. *Id.*

16. *Trading with Enemy Act; Claims Against Seized Property; Suit Against United States*. Suit against Alien Property Custodian and foreign corporation to establish debt of latter to plaintiff, is one against United States, maintainable only as provided in act. *Banco Mexicano v. Deutsche Bank*..... 591

ALIENS—Continued.

Page.

17. *Id.* "*Debt Arising with Reference to Property Held.*"

Where neutral bank lent money at New York to German bank, and money was deposited there by borrower, and, before loan fell due, deposit was seized by Custodian, suit to collect loan *held* not maintainable. *Id.*

18. *Id.* *Attachment under State Law.* That debt, when due, might have been collected by attachment, had property not been seized, did not alter case. *Id.*

19. *Id.* *Construction. Legislative History,* including remarks of congressman explaining bill, not controlling. *Id.*

ALIEN ENEMIES. See Aliens, 16-19.

ALIEN PROPERTY CUSTODIAN. See Aliens, 16-19.

ALIENATION. See Indians.

ALLOTMENT. See Indians.

ANIMALS. See Game.

ANTI-TRUST ACTS. See Interstate Commerce, 1.

Shipowners' employment regulations; claim by seaman of violation of rights under Anti-Trust Act. See *Street v. Shipowners' Assn.*..... 334

1. *Conspiracy; Restraining Distribution of Motion Picture Films.* Combination of distributors directed against business of exhibitor and preventing him from leasing films in future, held unlawful. *Binderup v. Pathe Exchange.*..... 291

2. *Restraint on Production; Manufacturers and Labor Union.* Whether agreement violates Sherman Law, when it concerns only way in which labor employed in production, and not sales or distribution, depends upon facts. *Window Glass Mfrs. v. United States.*..... 403

3. *Id.* *Apportionment of Labor.* Agreement apportioning labor among factories throughout season, is not unlawful, assuming it might affect interstate commerce. *Id.*

4. *Futures Trading. Legality,* of sales upon an exchange, under contracts for actual delivery in future but which in practice are cleared by "matching" and "ringing". *United States v. New York Coffee Exchange.*..... 611

ANTI-TRUST ACTS—Continued.

Page.

5. *Id. Enhancing Prices; Conspiracy.* That facilities of exchange, and influence of prices there prevailing upon sales elsewhere, are used by others in criminal conspiracy to cause rise of market prices, is no basis for enjoining operation of exchange. *Id.*

6. *Id. Exchange Regulations.* Provision of, for conduct of exchange to prevent future abuse, by others, of its lawful functions, is a legislative office. *Id.*

APPEAL AND ERROR. See **Habeas Corpus; Jurisdiction; Procedure.**

APPEARANCE. See **Jurisdiction, III; IV, 24, 25.**

APPROPRIATION:

Of waters. See **Public Lands, III, 4-7.**

ARBITRATION:

Of taxes. See **Constitutional Law, XIII, 2, 3.**

ARREST. See **Aliens, 1-8.**

False imprisonment. See **Carriers, 4.**

ASSESSMENT. See **Banks and Banking, 5-10; Constitutional Law, I, 3; III, 8; XIII, 1-3, 14-22; Taxation.**

ATTACHMENT. See **Aliens, 18.**

ATTORNEY GENERAL. See **Criminal Law, 5.**

ATTORNEYS:

Right of alien to counsel in deportation proceedings. See **Constitutional Law, X**

BANKRUPTCY ACT. See **Partnership, 4.**

1. *Composition; Res Judicata; Estoppel.* Judgment confirming composition held not *res judicata* as to action by creditor against bankrupt for deceit; creditor estopped as to issue of falsity decided against him in bankruptcy proceedings. *Myers v. International Trust Co.*..... 64

2. *Tax Due State; Penalties; New York Domestic Corporation Franchise Tax.* Additions to tax for nonpayment when due, held not statutory interest and not allowable to State. § 57j. *New York v. Jersawit.*..... 493

BANKRUPTCY ACT—Continued.

Page.

3. *Id.* Tax not apportionable. *Id.*

4. *Involuntary Petition*; §§ 3b, 59b, 59f. *Intervening Creditors*, when counted, in determining whether there are three petitioning creditors qualified to maintain petition. *Canute S. S. Co. v. Pittsburgh Coal Co.*..... 244

BANKS AND BANKING. See *Aliens*, 17.Savings deposits. See *Escheat*.

1. *National Banks; Powers of.* Limited to those expressly granted by federal law and to necessary incidental powers. *First Natl. Bank v. Missouri.*..... 640

2. *Id. Branch Banks.* Establishment of, withheld under National Bank Law; right not sustainable as incidental power. *Id.*

3. *Extent of State Regulation.* National banks are subject to state laws that do not impair efficiency as federal agencies or conflict with federal laws; state statute prohibiting branch banks held valid in application to national bank. *Id.*

4. *Id. Quo Warranto.* May be resorted to by State to enforce prohibition against establishment of branch banks. *Id.*

5. *Id. State Taxation.* Property and shares of capital stock of national banks are taxable upon terms imposed by Congress. *Des Moines Natl. Bank v. Fairweather.*..... 103

6. *Id. R. S. § 5219.* Extent of right of State to tax national banks and their property and owners of shares in such banks, prior to amendment of 1923. *Id.*

7. *Id. Valuation of Shares,* in assessing shareholders, by capital, surplus and undivided earnings, less real estate, and requiring bank to pay tax on behalf of shareholders, do not make tax on shares a tax on bank's property. *Id.*

8. *Id. Deduction of Securities of United States,* exempt from state taxation, which are part of bank's assets by which value of shares is measured, not required in assessing shareholders. *Id.*

9. *Id. Rate of Tax; Discrimination.* Provision of § 5219, that tax rate shall not be greater than that upon other moneyed capital in hands of individual citizens of State, is to prevent discrimination against national banks; applies to rules of valuation and to tax percentages. *Id.*

BANKS AND BANKING—Continued.

Page.

10. *Id. Private Banking.* Restriction not violated when State deducts tax-exempt securities of United States in assessing capital employed in private banking, while taxing value of shares in national banks without allowance for such securities owned by such banks. *Id.*

11. *Liquidation.* Contract under which one national bank took over assets, assumed liabilities of another and made advances in excess of assets, *held* not a sale, but a pledge of assets, as security for advances. *Hightower v. American Natl. Bank*..... 351

12. *Id. Ratification by Shareholders.* Contract *held* valid where bank acted as liquidating agent and shareholders of liquidated bank ratified contract and ordered liquidation under R. S., § 5220. *Id.*

13. *Id. Debts; Shareholders' Liability; R. S. § 5151.* Claim for advances in excess of assets, *held* not created during liquidation but a debt under contract for which shareholders of liquidated bank were liable. *Id.*

BENEFITS. See Constitutional Law, XIII, 17, 18.

BEQUEST. See Executors and Administrators: Taxation, II, 1.

BILL OF LADING. See Admiralty, 3.

BOND. See Admiralty, 2; Jurisdiction, IV, 4.

BROKERS. See Anti-Trust Acts, 4-6.

BURDEN OF PROOF. See Aliens, 2; Carriers, 1; Evidence, 1; Waters, 2, 4

CANAL ZONE. See Adverse Possession; Jurisdiction, IV, 6, 10; V, 4, 5.

1. *Government of; Executive Orders.* Act 1912, confirming regulations of President for government of Zone, refers to regulations rising to dignity of laws. *McConaughey v. Morrow*..... 39

2. *Employees; Free Quarters.* Power of President to revoke previous orders. *Id.*

CANAL ZONE—Continued.

Page

3. *Id. Debts.* Deduction from pay, of debts owing Government by Panama employees, under Act 1907. *Id.*
4. *Local Decisions.* Reasons for following, in Porto Rico, less applicable to Panama Code. *Diaz v. Patterson*..... 399

CARRIERS. See Admiralty, 3-7; Constitutional Law, XIII, 1, 14, 21, 22; Employers' Liability Act; Interstate Commerce Acts; Jurisdiction, VI, 5, 6; Safety Appliance Act.

1. *Limitation of Liability; Burden of Proof.* State law requiring carrier to prove loss was occasioned by uncontrollable events, cannot affect limitation of liability for interstate shipment agreed upon and valid under federal law. *American Ry. Express Co. v. Levee*..... 19
2. *Freight Conductor. Authority to Employ Bystander,* to assist in unloading heavy freight, derived from custom and exigency of occasion. *Balt. & Ohio S. W. R. R. v. Burtch*.. 540
3. *Unloading Freight,* at destination, of interstate shipment, held interstate commerce. *Id.*
4. *Federal Control Act; Action for False Imprisonment.* When maintainable against Director General by person arrested without probable cause for theft. *Director General v. Kastenbaum*..... 25
5. *Id. Death by Negligence.* Action for, based on state statute, arises under federal law when brought against Director General or successor. *Davis v. Slocomb*..... 158
6. *Id. Transportation Act. Requisition* of coal, for Railroad Administration; owner's claim for difference between price paid as fixed in contracts with carriers and that fixed by Fuel Administration, held within § 206a, authorizing suit against agent of President. *Corona Coal Co. v. United States*..... 537
7. *Id. Defenses.* Sec. 206, (a), (d), does not invalidate a defense good when Transportation Act was passed. *Davis v. Wechsler*..... 22

CAVEAT. See Wills.**CERTIORARI.** See Jurisdiction, IV, 18, 19; Procedure, II, 4; III.**CHARITIES.** See Taxation, II, 2.

CIRCUIT COURT OF APPEALS. See Judges, 2; Jurisdiction, I, 6; IV, 4-6, 12, 13; V; Procedure, IV, 3.

CIRCUIT JUDGE:

Power to issue writs. See Habeas Corpus, 1, 2.

CITIES. See Constitutional Law, IV, 3, 4; XIII, 17-19.

CITIZENS:

Privileges and immunities. See Constitutional Law, V.

Suit against another State. See *id.*, XII.

Right of State to sue on behalf of citizens. See Jurisdiction, IV, 2, 3.

Diverse citizenship. See *id.*, II, 2; IV, 5; VI, 2.

Rights of aliens to acquire land from. See Aliens, 9-15.

CIVIL LAW. See Adverse Possession, 1; Canal Zone, 4.

CLAIMS. See Bankruptcy Act, 2-4; Contracts, 2, 3; Navy.

Against Alien Property Custodian. See Aliens, 16-18.

Fraudulent. See Criminal Law, 8.

Materialmen's Act. See Jurisdiction, IV, 4.

Requisition by Fuel Administration; actions arising out of federal control of railroads. See Carriers, 6.

Compensation; use of invention by United States. See Patents for Inventions, 3, 4.

COLLISION. See Admiralty, 6.

COMMERCE. See Anti-Trust Acts; Constitutional Law, III; Employers' Liability Act, 2; Interstate Commerce; Interstate Commerce Acts; Unfair Competition.

COMMISSIONS. See Executors and Administrators, 1.

COMPENSATION. See Canal Zone, 3; Condemnation; Constitutional Law, XIII, 19; Executors and Administrators, 1; Navy, 4-6; Patents for Inventions, 3.
Workmen's compensation laws. See Constitutional Law, XIII, 7, 8.

COMPETITION. See Anti-Trust Acts; Unfair Competition.

COMPOSITION. See Bankruptcy Act, 1.

CONDEMNATION:

Page.

1. *Public Use; Reservoirs; Federal Reclamation Act.* Right of United States to take nearby private land to make satisfaction for lands flooded, and to sell surplus as incident of readjustment. *Brown, v. United States*..... 78
2. *Damages.* Interest from date of summons to judgment, allowed landowner in possession where award is for value as of date of summons without regard to damage from inability to sell or lease during proceedings, and under state law Government may obtain possession promptly after bringing suit. *Id.*
3. *Id. Conformity Acts.* Federal courts not bound to follow state statutes allowing interest. *Id.*

CONFORMITY ACTS. See **Condemnation**, 3.

CONGRESS:

- Statutes cited. See table at front of volume.
 Powers. See **Constitutional Law**.
 Legislative history. See **Statutes**, 2.

CONSPIRACY. See **Anti-Trust Acts**, 1, 5; **Criminal Law**, 9-11.

CONSTITUTIONAL LAW:

- I. Division of Powers, p. 741.
 - II. Offenses Against Government, p. 741.
 - III. Commerce Clause, p. 741.
 - IV. Contract Clause, p. 742.
 - V. Privileges and Immunities, p. 743.
 - VI. Ex Post Facto Laws, p. 743.
 - VII. National Banks, p. 743.
 - VIII. Fourth Amendment, p. 743.
 - IX. Fifth Amendment, p. 743.
 - X. Sixth Amendment, p. 744.
 - XI. Tenth Amendment, p. 744.
 - XII. Eleventh Amendment, p. 744.
 - XIII. Fourteenth Amendment:
 - (1) Generally, p. 745.
 - (2) Notice and Hearing, p. 745.
 - (3) Liberty and Property; Police Power; Taxation, p. 745.
 - (4) Equal Protection of the Laws, p. 747.
- See **Aliens**, 4-15; **Jurisdiction**; **Treaties**.

CONSTITUTIONAL LAW—Continued.

Page.

Indians. See I, 2, *infra*.Retroactive laws. See Statutes, 1, 5; and IV, 3, 4, *infra*.

Unconstitutional law; injunction. See Equity, 1.

Washington constitution; Alien Land Law. See Aliens, 14.

Wisconsin constitution; reserved power over corporations.

See IV, 4, *infra*.**I. Division of Powers.**

1. *Legislature and Judiciary*. Provision of rules for conduct of exchange upon which are made sales for future delivery, to prevent abuse, by others, of its lawful functions, is a legislative office. *United States v. New York Coffee Exchange*..... 611

2. *State and Federal Powers; Indians*. Where allotment leased in violation of congressional prohibition, state law, construed to give lease effect as creating tenancy at will and as controlling amount recoverable for use of land by lessee, is invalid. *Bunch v. Cole*..... 250

3. *Id.* *Taxation*, by State, of corporation organized by United States for war purposes, whose stock is held by United States, is invalid. *Clallam County v. United States*.. 341

II. Offenses Against Government.

Fraudulent Claims. *Crim. Code*, § 35, forbidding fraudulent claims against corporations in which United States is stockholder, refers only to its corporate instrumentalities, like Emergency Fleet Corporation, and is constitutional. *United States v. Walter*..... 15

III. Commerce Clause. See also Interstate Commerce.

1. *Scope of Federal Power*. Includes power to protect and control, with regard to welfare of those immediately concerned as well as of public at large. *Dayton-Goose Creek Ry. v. United States*..... 456

2. *Transportation Act*. "Recapture" Provisions by which income beyond fair return on value of railroads, passes in part to Government, for use in aiding weaker roads, and is held in part by carrier subject to restricted use, are valid. *Id.*

3. *Shipowners' Employment Regulations*. Held not in conflict with federal power. *Street v. Shipowners' Assn.*..... 334

CONSTITUTIONAL LAW—Continued.

Page.

4. *State Burdens; How Determined.* Question of interference determined by this Court with regard to substance of state law; form, or characterization by state legislature or courts, not controlling. *Lacoste v. Department of Conservation*..... 545
5. *State Tax.* Right to impose, not necessarily inconsistent with right of Congress to regulate. *Binderup v. Pathe Exchange*..... 291
6. *Id. Wild Animals.* Tax upon, while in hands of dealers and before interstate movement, sustained. *Lacoste v. Department of Conservation*..... 545
7. *Id.* That tax is laid on dealer who ships out of State, or buys for that purpose or to sell for manufacture within State, rather than taxing while in hands of trapper, not objectionable. *Id.*
8. *Id. Domestic Corporations; Franchise Tax.* Non-excessive tax upon corporation engaged in interstate commerce, assessed upon proportion of value of franchise measured by local business, sustained. *Schwab v. Richardson*..... 88

IV. Contract Clause.

1. *Change of Judicial Decision.* Decision against claim of contract right, involving reversal of earlier decision of law applicable, does not violate this clause. *Tidal Oil Co. v. Flanagan*..... 444

See also Jurisdiction, IV, 26-28.

2. *Savings Deposits; Escheat.* Law escheating, through appropriate procedure, deposits long unclaimed, does not violate contract rights of bank. *Security Savgs. Bank v. California* 282
3. *Franchises; Water Companies.* Grant of exclusive franchise for limited term, with provisions for extension of term or purchase of plant by municipality; impairment of property rights by subsequent legislation. *Superior Water Co. v. Superior*..... 125
4. *Id. Reserved Power over Corporations.* Power to alter or repeal incorporation acts, reserved by state constitution, not applicable to property rights of corporation acquired by contract with city, when not so construed by state decision antedating contract. *Id.*

CONSTITUTIONAL LAW—Continued.

Page.

V. Privileges and Immunities.

Territorial Taxation; Non-residents. Alaska annual license tax, on non-resident fishermen within Territory, upheld; exemption of local residents not arbitrary. *Haavik v. Alaska Packers Assn.*..... 510

VI. Ex Post Facto Laws.

Accountants; State Regulation. Law authorizing board to grant certificates of registration and, upon hearing, to cancel them for unprofessional conduct, but leaving individual free to practice, sustained. *Lehmann v. Board of Accountancy*.. 394

VII. National Banks.

1. *State Regulation; Branch Banks.* National banks subject to state laws that do not impair efficiency as federal agencies or conflict with federal laws; state statute prohibiting branch banks held valid in application to national bank. *First Natl. Bank v. Missouri*..... 640
2. *State Taxation.* Property or shares of capital stock cannot be taxed except upon terms imposed by Congress. *Des Moines Natl. Bank v. Fairweather*..... 103
3. *Id. Tax on Shareholders.* Valuation of shares; payment of tax by bank on behalf of shareholders; deduction of securities of United States held by bank and exempt from state taxation. *Id.*

VIII. Fourth Amendment.

Search and Seizure. One lawfully in confinement may be interrogated under oath by government official. *Bilokumsky v. Tod*..... 149

IX. Fifth Amendment.

1. *Indictment; Non-Infamous Crimes.* Maintaining nuisance in violation of Prohibition Act; prosecution by information. *Brede v. Powers*..... 4
2. *Self-Incrimination.* Admission of Alienage, does not incriminate one held for deportation as alien unlawfully within country and possessing seditious matter. *Bilokumsky v. Tod* 149
3. *Condemnation; Public Use; Reclamation Project.* United States may take nearby private land from which to make satisfaction for lands flooded, and sell surplus as incident of readjustment. *Brown v. United States*..... 78

CONSTITUTIONAL LAW—Continued.

Page.

4. *Carriers; Confiscatory Rates.* Order of Interstate Commerce Commission directing trunk line and short line participating in joint rate to remove discrimination; when effect upon short line not confiscatory. *United States v. Illinois Central R. R.*..... 515
5. *Id. Fair Return.* Carrier not entitled to more than fair, net operating income upon value of property. *Dayton-Goose Creek Ry. v. United States.*..... 456
6. *Id. Transportation Act; Excess Income.* Recapture, by Government, does not violate Amendment. *Id.*
7. *Id. Judicial Hearing.* Absence of provision for, in Transportation Act, on fair return, not objectionable; legislative fixing of rates; question of confiscation left to courts. *Id.*
8. *Id. Who May Assert Constitutional Rights of Carriers.* Manufacturers not entitled to attack order of Interstate Commerce Commission abolishing penalties for lumber held at reconsignment points, as violating rights of carriers under Amendment. *Hines Yellow Pine Trustees v. United States.*.. 143
9. *Territorial Taxation; Non-residents.* Alaska annual poll and license taxes on non-resident fishermen, not invalid, as applied to citizens of California temporarily engaged in fishing in Territory. *Haavik v. Alaska Packers Assn.*..... 510

X. Sixth Amendment.

Right to Counsel. Deportation. Rules of Secretary of Labor do not require advice as to right to counsel and to decline to answer, before interrogation as to alienage. *Bilokumsky v. Tod.*....., 149

XI. Tenth Amendment.

Reserved Powers of States. Transportation Act. Recapture Clause, by reducing net income from intrastate rates, is not invalid. *Dayton-Goose Creek Ry. v. United States.*..... 456

XII. Eleventh Amendment.

Suit Against State; Citizens of Other States. Claim by State on behalf of its citizens, for money damages, against another State, not within original jurisdiction of this Court. *North Dakota v. Minnesota.*..... 365

CONSTITUTIONAL LAW—Continued.

Page.

XIII. Fourteenth Amendment.

(1) *Generally.*

1. *Double Taxation*, of railroads, by States, not prohibited.
Baker v. Druesedow..... 137

(2) *Notice and Hearing.* See XIII, 5, 13, *infra*.

2. *Assessment; Arbitration.* State law denying hearing before assessment board, but granting one before arbitrators, who shall finally fix valuation, sustained. *McGregor v. Hogan*..... 234

3. *Id. Questioning Constitutionality of Assessment.* No ground for, where taxpayer, after notice, abstains from demanding arbitration, so that, under statute, assessment becomes final. *Id.*

(3) *Liberty and Property; Police Power; Taxation.*

4. *Change of Judicial Decision.* Decision against claim of property rights, involving reversal of earlier decision of law applicable, does not deny due process. *Tidal Oil Co. v. Flanagan*..... 444

5. *Accountants; State Regulation.* Law authorizing board to grant certificates of registration and, upon hearing, to cancel them for unprofessional conduct, but leaving individual free to practice, sustained. *Lehmann v. Board of Accountancy*..... 394

6. *Aliens; Interests in Land.* Washington and California Alien Land Laws forbidding aliens not eligible to citizenship, to acquire interests in land, sustained. *Terrace v. Thompson*..... 197
Porterfield v. Webb..... 225
Webb v. O'Brien..... 313
Frick v. Webb..... 326

7. *Workmen's Compensation.* Compensation to employee for injury of which employment is contributory, though not sole or proximate, cause. *Cudahy Packing Co. v. Parramore*..... 418

8. *Id. Relation of Accident to Employment.* Whether exaction of compensation is arbitrary depends upon circum-

CONSTITUTIONAL LAW—Continued.

Page.

stances; employer *held* liable, where employee, on way to work, was killed while crossing railroad adjacent to employer's factory. *Id.*

9. *Wild Game*. State may regulate taking of and property rights in; latitude in choosing means of protection. *Lacoste v. Department of Conservation*. 545

10. *Id. Taxation*. Payment of tax on skins required, as condition to transfer of title to dealer paying tax. *Id.*

11. *Id. Administrative Regulations*. Authority to ascertain prices paid by dealer, determine manner of payment of tax, and adopt regulations for collection, delegated to administrative body. *Id.*

12. *Intangible Property; Savings Deposits; Escheat*. Dominion of State over savings deposits. Law escheating, through proper procedure, deposits long unclaimed, does not deny due process to bank. *Security Savgs. Bank v. California*. 282

13. *Id. Essentials of Jurisdiction*. Notice and hearing to depositors; service by, and place of, publication. *Id.*

14. *Intangible Property Tax; Railroads*. State may ascertain value by deducting value of physical assets from value of property as a whole, within State. *Baker v. Druesedow*. . 137

15. *Id. Errors of Judgment*. Over-assessment due to, does not violate due process. *Id.*

16. *Franchise Tax; Domestic Corporations*. Non-excessive tax, assessed upon proportion of value of franchise measured by local business, does not deny due process to corporation engaged in interstate commerce. *Schwab v. Richardson*. . . . 88

17. *Street Improvement Districts; Benefits*. Omission of other property benefited does not invalidate assessment; revision of assessments by city council upon appeal, not arbitrary. *Butters v. City of Oakland*. 162

18. *Id.* That tax may exceed benefits received, is not enough to overturn established method of assessment. *Id.*

19. *Id. Damage to Abutting Property; California Improvement Act*. Taxpayer's right to compensation for damages to his abutting property and to enjoin work until damages paid. *Id.*

CONSTITUTIONAL LAW—Continued.

Page.

(4) *Equal Protection of the Laws.*

20. *Classification for Taxation; Wild Animals.* Distinction between wild animals taken with permission of State and other property in hands of merchants. *Lacoste v. Department of Conservation*..... 545
21. *Id. Railroads.* Taxable by other rules than those prescribed for other businesses. *Baker v. Druesedow*..... 137
22. *Id. Tangible and Intangible Property.* Intangibles may be assessed at full value while tangibles are assessed at less, if railroad property in aggregate not valued at higher rate than other property. *Id.*
23. *Aliens; Interests in Land.* Washington and California Alien Land Laws forbidding aliens not eligible to citizenship to acquire interests in land, sustained. *Terrace v. Thompson*. 197
Porterfield v. Webb..... 225
Webb v. O'Brien..... 313
Frick v. Webb..... 326

CONSTRUCTION. See Contracts; Statutes; Treaties.

CONTEMPT. See Jurisdiction, V, 3; VI, 8.

- CONTRACTS. See Admiralty, 3-6; Aliens, 9-15; Anti-Trust Acts; Banks and Banking, 11-13; Carriers, 1, 2 6; Insurance; Interstate Commerce Acts, I; Partnership; Patents for Inventions, 1, 4.
- Impairment of. See Constitutional Law, IV; Jurisdiction, II, 2; IV, 26-28.
- Federal materialmen's act; contractor's bond. See Jurisdiction, IV, 4.
1. "*Date*," as applied to written instrument, signifies primarily the time specified therein. *Mutual Life Ins. Co. v. Hurni Packing Co.*..... 167
 2. *Express and Implied.* Contract implied in fact is one inferred from circumstances or acts of parties; express contract speaks for itself and excludes such implications. *Klebe v. United States*..... 188
 3. *Id. United States; Construction Contract; Purchase Privilege.* Where Government appropriated steam shovel, used in work, which contractor had leased from another,

CONTRACTS—Continued.

owner's cause of action is either in tort, which cannot be maintained under Tucker Act, or upon express contract for payment under which Government acted; contract to pay value of shovel not implied. *Id.*

CONTRIBUTORY NEGLIGENCE. See **Employers' Liability Act**, 1.

CONVEYANCE. See **Adverse Possession**, 1; **Jurisdiction**, IV, 20, 21; **Public Lands**, III, 1, 2.

CONVICTS. See **Criminal Law**, 1-7.

CORPORATIONS. See **Quo Warranto**; **Trusts and Trustees**.

Reserved power over. See **Constitutional Law**, IV, 3, 4.

Federal agencies; taxation. See *id.*, I, 3; **Jurisdiction**, VI, 4. *Id.* Defrauding; Emergency Fleet Corporation. See **Criminal Law**, 8.

Franchise tax. See **Constitutional Law**, III, 8; XIII, 16.

Income tax; religious and charitable corporations. See **Taxation**, II, 2.

National banks. See **Banks and Banking**.

Savings banks; deposits. See **Escheat**.

Stockholders. See **Aliens**, 13; **Banks and Banking**, 5-13.

COSTS. See **Procedure**, I, 1; II, 3.

COUNTERCLAIM. See **Admiralty**, 2.

COURT OF CLAIMS. See **Carriers**, 6; **Contracts**, 2, 3; **Jurisdiction**, IV, 15, 16; **Navy**; **Patents for Inventions**, 3, 4.

COURTS. See **Admiralty**, 1, 2; **Constitutional Law**; **Equity**; **Evidence**; **Habeas Corpus**; **Judges**; **Judgments**; **Jurisdiction**; **Mandamus**; **Parties**; **Pleading**; **Procedure**; **Quo Warranto**; **Statutes**.

Administrative decisions. See references under that title.

Conformity Acts. See **Condemnation**, 3.

CREDITORS. See **Aliens**, 16-18; **Bankruptcy Act**; **Banks and Banking**, 11-13; **Canal Zone**, 3; **Jurisdiction**, IV, 4; **Partnership**.

CRIMINAL LAW:

Page.

Search and seizure. See Constitutional Law, VIII.

Self-incrimination. See *id.*, IX, 2.

Enjoining criminal proceedings. See Equity, 1.

Conspiracy. See Anti-Trust Acts, 1, 5.

Contempt. See Jurisdiction, V, 3; VI, 8.

False imprisonment; action against Director General. See Carriers, 4.

Sedition. See Aliens, 4.

Evidence; sufficiency of, to sustain conviction. See Procedure, IV, 3.

1. *Sentence, Service of.* Lapse of time without imprisonment or other restraint contemplated by law, does not constitute. *Anderson v. Corall*..... 193.

2. *Id. Parole; Revocation; Act 1910.* Where federal convict breaks parole and is retaken under warden's warrant, parole may be revoked at any time before sentence fully served; completion of term without deduction for time on parole. *Id.*

3. *Id. Computation of Time.* Time between issuance of warden's warrant and its execution, during part of which convict incarcerated in state penitentiary for state offense, is not time served under federal sentence. *Id.*

4. *Id. Place of Execution.* Sections of Revised Statutes governing; are *in pari materia* and construed together. *Brede v. Powers*..... 4

5. *Id. Power of District Court. Imprisonment in Another State,* in penal institution designated by Attorney General: *Id.*

6. *Id. Non-infamous Crimes; Prohibition Act; Information.* Imprisonment for maintaining nuisance cannot be at hard labor or in penitentiary; offense prosecuted by information. *Id.*

See also *Wyman v. United States*..... 14

7. *Id. Hard Labor. New Jersey Law,* authorizing employment of prisoners in county jail, does not contemplate labor as punishment. *Id.*

8. *Defrauding Corporation of which United States is Stockholder. Crim. Code, § 35,* refers only to corporations, like Emergency Fleet Corporation, that are instrumentalities of Government, and is constitutional. *United States v. Walter*..... 15

CRIMINAL LAW—Continued.

Page.

9. *Id. Crim. Code, § 37. Conspiracy* to defraud United States includes conspiracy to defraud Fleet Corporation. *Id.*
10. *District Judge; Disqualification; Jud. Code, § 120.* Right to sit in Court of Appeals upon review of conviction for conspiracy; facts that judge overruled motion to quash indictment by co-defendant, not tried, and, in another similar case, overruled like motion, presided at trial and sentenced defendant, do not disqualify him. *Delaney v. United States*..... 586
11. *Conspiracy; Statement by Co-conspirator. Admissibility* of testimony of one conspirator as to what deceased co-conspirator had told him during course of conspiracy, against a third. *Id.*

CUSTOM. See Carriers, 2.

DAMAGES. See Admiralty, 4; Indians.

Limitation of liability. See Carriers, 1.

Security for. See Admiralty, 2.

Interest; allowance of. See Condemnation, 2, 3.

Change of street grade; abutting property. See Constitutional Law, XIII, 19.

DEATH. See Carriers, 5; Employers' Liability Act, 1; Executors and Administrators; Insurance.

DEBATES. See Statutes, 2.

DEBTS. See Aliens, 16-18; Bankruptcy Act; Banks and Banking, 11-13; Canal Zone, 3; Jurisdiction, IV, 4; Partnership.

DECEIT. See Bankruptcy Act, 1.

DECREEES. See Judgments; Procedure.

DEEDS. See Adverse Possession, 1; Jurisdiction, IV, 20, 21; Public Lands, III, 1, 2.

DELEGATION OF POWER. See Constitutional Law, XIII, 11.

DEPORTATION. See Aliens, 1-8.

DEPOSITORS. See Escheat.

DESCENT AND DISTRIBUTION. See Executors and Administrators; Wills.

DEVIATION. See Admiralty, 4.

DIRECTOR GENERAL. See Carriers, 4-7; Jurisdiction, VI, 5, 6.

DISCRIMINATION. See Interstate Commerce Acts, II, 7-13.

DISQUALIFICATION. See Judges.

DISTRICT OF COLUMBIA. See Jurisdiction, IV, 17.
Wills; mental capacity. See Wills.

DISTRICT COURT. See Judges, 2; Jurisdiction, II; IV, 4-16;
V; VI; Procedure, IV, 3.

DIVERSE CITIZENSHIP. See Jurisdiction, II, 2; IV, 5;
VI, 2.

DRAINAGE. See Public Lands, III; Waters.

DUE PROCESS. See Constitutional Law.

ELEVENTH AMENDMENT. See Constitutional Law, XII.

EMERGENCY. See Interstate Commerce Acts, II, 14.

EMERGENCY FLEET CORPORATION. See Criminal Law, 8.

EMINENT DOMAIN. See Condemnation.

EMPLOYER AND EMPLOYEE. See Canal Zone, 2, 3; Carriers, 2; Employers' Liability Act; Safety Appliance Act.
Workmen's compensation. See Constitutional Law, XIII, 7, 8.
Labor unions. See Anti-Trust Acts, 2, 3.
Seamen. See *Street v. Shipowners' Assn.*..... 334

EMPLOYERS' LIABILITY ACT. See Safety Appliance Act.
1. *Contributory Negligence; Stoppage of Trains; Crossings.*
Duty of engineer under state law to ascertain way is clear;
noncompliance bars action for his resulting death, under
Federal Act. *Frese v. Chicago, Burl. & Q. R. R.*.....

EMPLOYERS' LIABILITY ACT—Continued.

Page.

2. *Applicability of Act; Interstate Shipment.* In determining whether case appealed from state court controlled by federal act, uncontradicted evidence of interstate character of shipment prevails here over findings of jury. *Balt. & Ohio S. W. R. R. v. Burtch*..... 540
3. *Id. Injury to Freight Owner,* assisting as carrier's employee, in unloading; liability not affected by rule of Interstate Commerce Commission requiring owners to unload heavy freight. *Id.*

ENEMIES. See Aliens, 16-19.**EQUAL PROTECTION OF THE LAWS.** See Constitutional Law, XIII (4).**EQUITY:**

- Injunction. See Anti-Trust Acts, 5; Jurisdiction, IV, 7, 8, 10; Public Lands, I, 1; Waters, 1.
- Indispensable parties. See Parties, 1, 2.
- Trusts. See Public Lands, II, 1; Trusts and Trustees.
- Suit to establish title to property seized as alien property. See Aliens, 16-18.
- Suit to set aside orders of Interstate Commerce Commission. See Interstate Commerce Acts, II, 1-3.
1. *Inadequate Legal Remedy; Injunction; Unconstitutional Statute.* Citizen landowner and alien Japanese, may sue to enjoin criminal and forfeiture proceedings under Washington Alien Land Law, claimed to violate constitutional and treaty rights. *Terrace v. Thompson*..... 197
2. *Id. Multiplicity of Suits; Enjoining Tax Collection.* Where railroad, alleging fraudulent overvaluation, sued to enjoin proceedings in five counties among which assessment apportioned, its remedy by defense of those proceedings held inadequate. *Wilson v. Illinois Southern Ry.*..... 574
3. *Id. Federal Equity Jurisdiction.* State law authorizing review of assessments by appeal to state court, but not clearly applicable where suit is based on fraud, not an adequate remedy ousting federal jurisdiction. *Id.*
4. *Accounting; Federal Forest Reserve Funds; Act May 23, 1908.* State school district not entitled to accounting against county, when more of funds used for road than for school purposes; equal division not required. *King County v. Seattle School Dist.*..... 361

ERROR AND APPEAL. See **Habeas Corpus; Jurisdiction; Procedure.**

ESCHEAT:

1. *Savings Deposits.* State law escheating, through appropriate procedure, deposits long unclaimed, does not violate rights of bank under contract or due process clauses. *Security Savgs. Bank v. California*..... 282
2. *Id. Essentials of Jurisdiction,* to bind depositors and protect bank, are seizure of *res* at beginning of suit and notice to depositors. *Id.*
3. *Id. California Law; Service of Summons.* Seizure of *res* by personal service on bank, in suit by Attorney General, and notice to depositors by publication, in Sacramento County. *Id.*
4. *Id. Impossibility of Personal Service on Depositors.* When proof of, by affidavit, not prerequisite to service by publication. *Id.*
5. *Id. Publication in Particular County.* Provision for, not unreasonable as to depositors in bank in another county. *Id.*

ESTATES OF DECEDENTS. See **Executors and Administrators; Wills.**

ESTOPPEL. See **Judgments, 2; Patents for Inventions, 4.**

EVIDENCE:

- Self-incrimination. See **Constitutional Law, IX, 2.**
- Search and seizure. See *id.*, VIII.
- Burden of proof. See **Aliens, 2; Carriers, 1; Waters, 2, 4.**
- Presumption. See **Statutes, 6.**
- Findings of lower courts. See **Procedure, IV, 3.**
- Findings of jury. See *id.*, IV, 4.
- Admissions; alienage. See **Aliens, 4-8.**
- Contempt. See **Jurisdiction, VI, 8.**
- Reasonable rates. See **Interstate Commerce Acts, II, 6, 10, 18, 24.**
- Formation of partnership. See **Partnership, 1.**
- Issue of falsity; estoppel. See **Judgments, 2.**
- Proximate cause. See **Safety Appliance Act, 2.**
- Waters; appropriation and abandonment. See **Public Lands, III, 4, 6.**
- Id.* Cause of floods. See **Waters, 4.**

EVIDENCE—Continued.

Page.

1. *Burden of Proof; Wills; Mental Capacity; District of Columbia Law.* Under caveat to will, whether filed before or after probate, burden of proof as to mental capacity of testator is upon caveator. *Brosnan v. Brosnan*..... 345
2. *Conspiracy; Statement of Co-conspirator. Admissibility* of testimony of one conspirator as to what deceased co-conspirator had told him during course of conspiracy, against a third. *Delaney v. United States*..... 586

EXCHANGES:

Sales on. See *Anti-Trust Acts*, 4-6.

EXECUTIVE OFFICERS. See *Aliens*, 6, 7, 16-18; *Criminal Law*, 5; *Escheat*, 3; *Navy*.

Administrative decisions. See references under that title.

Federal officials; suit against United States. See *Aliens*, 16; *Jurisdiction*, IV, 7, 10.

Director General of Railroads and successor; actions against See *Carriers*, 4-7.

State officials; exercise of authority under State. See *Jurisdiction*, IV, 20, 21.

EXECUTORS AND ADMINISTRATORS. See *Trusts and Trustees*; *Wills*.

1. *Bequest to Executor*, in lieu of compensation and commissions, is upon implied condition that he clothe himself with character of executor; payment not conditioned upon actual service. *United States v. Merriam*..... 179

2. *Id. Income Tax Act 1913.* Such bequests exempted from tax; act taxes income from but not value of property acquired by gift, bequest, devise or descent. *Id.*

EX POST FACTO LAWS. See *Constitutional Law*, VI.**FACTS:**

Administrative decisions. See references under that title.

Burden of proof. See *Aliens*, 2; *Carriers*, 1; *Evidence*, 1; *Waters*, 2, 4.

Presumption. See *Statutes*, 6.

Findings; lower courts. See *Procedure*, IV, 3.

Id. Jury. See *id.*, IV, 4.

Id. Of Interstate Commerce Commission. See *Interstate Commerce Acts*, II.

FACTS—Continued.

- Findings; of alienage. See Aliens, 1-8.
- Pleading; sufficiency of allegations to establish federal jurisdiction. See Jurisdiction, IV, 9; VI, 7.
- Existence of partnership. See Partnership, 1.
- Issue of falsity; estoppel by judgment. See Judgments, 2.

FALSE IMPRISONMENT. See Carriers, 4.

FEDERAL CONTROL ACT. See Carriers, 4-7; Jurisdiction, IV, 15, 16; VI, 5, 6.

FEDERAL EMPLOYERS' LIABILITY ACT. See Employers' Liability Act; Safety Appliance Act.

FEDERAL QUESTION. See Jurisdiction, I, 3, 4; II, 2; III; IV, 9-14, 17, 22-31; V, 1; VI, 2-7.

FEDERAL TRADE COMMISSION. See Unfair Competition.

FEES. See Procedure, II, 3.

FIFTH AMENDMENT. See Constitutional Law, IX.

FINAL JUDGMENT. See Jurisdiction, IV (3); V, 2.

FISHERIES. See Taxation, III.

FOREIGN LAW. See Admiralty, 7; Procedure, IV, 10.

FOREST RESERVES. See Public Lands, II.

FORFEITURE. See Equity, 1; Patents for Inventions, 3.

FOURTEENTH AMENDMENT. See Constitutional Law, XIII.

FOURTH AMENDMENT. See Constitutional Law, VIII.

FRANCHISE. See Constitutional Law, III, 8; IV, 3, 4; XIII, 16; Taxation, IV, 2-4.

FRAUD. See Criminal Law, 8; Equity, 2, 3.
Issue of; estoppel by judgment. See Judgments, 2.

FUEL ADMINISTRATION. See Carriers, 6.

GAME:

Page.

1. *State Ownership and Police Power.* Regulation of taking and property rights in wild animals; latitude in choosing means of protection. *Lacoste v. Department of Conservation* 545
2. *Id. Taxation.* State may require payment of tax as condition to transfer of title to dealer paying tax; Louisiana law does not violate commerce, due process or equal protection clauses. *Id.*

GRANTS. See Jurisdiction, IV, 20, 21; Public Lands, I; III, 1, 2.

GREAT BRITAIN. See Admiralty, 7.

HABEAS CORPUS:

Deportation; findings of fact; probable cause. See Aliens, 3.

1. *Power to Issue Writ. Circuit Judge,* as such, has no power to issue writ. *Craig v. Hecht*..... 255
2. *Id. Review,* by Court of Appeals, of order of discharge, made at chambers by Circuit Judge exercising power of District Court, or by District Judge. *Id.*
3. *Id. Substituting Writ for Appeal; Contempt. Habeas Corpus* cannot be used as substitute for appeal, to review sentence of District Court for contempt. *Id.*

HARD LABOR. See Criminal Law, 6, 7.

HEARING. See Adverse Possession, 2; Aliens, 1-8; Constitutional Law, IX, 7; XIII, 2, 3, 5, 13; Escheat, 2-5.

HEARSAY. See Evidence, 2.

HIGHWAYS. See Constitutional Law, XIII, 17-19; Public Lands, II.

IMMIGRATION. See Aliens, 1-8.

IMPRISONMENT. See Carriers, 4; Criminal Law, 1-7.

IMPROVEMENT DISTRICTS. See Constitutional Law, XIII, 17-19.

INCOME TAX. See Taxation, II; IV, 2-4.

INDIANS:

- | | |
|--|-------|
| | Page. |
| <i>Restraint on Alienation; Conflicting State Law.</i> Lease of allotment in violation of federal law; state law, construed as giving lease effect as creating tenancy at will and as controlling amount recoverable for use of land by lessee, invalid. | |
| <i>Bunch v. Cole</i> | 250 |

INDICTMENT. See Criminal Law, 6, 10.

INFAMOUS CRIMES. See Criminal Law, 6, 7.

INFORMATION. See Criminal Law, 6; Quo Warranto.

INFRINGEMENT. See Patents for Inventions, 1, 4.

INJUNCTION. See Anti-Trust Acts, 5; Waters, 1.
 Unconstitutional statute. See Equity, 1.
 Tax collection; inadequate legal remedy. See *id.*, 2.
 Federal officials. See Jurisdiction, IV, 7, 10.
Id. Issuance of land patents. See Public Lands, I.
 Orders of Interstate Commerce Commission. See Interstate Commerce Acts, II, 1-3; Jurisdiction, IV, 8.

INSANITY. See Wills.

INSOLVENCY. See Bankruptcy Act; Banks and Banking, 11-13; Partnership, 4.

INSTRUCTIONS:

Directed verdict. See Jurisdiction, IV, 9.

INSURANCE:

- Marine and war risk. See Admiralty, 5-7.
1. *Life Insurance Policies.* Construction favorable to insured, in case of ambiguity. *Mutual Life Ins. Co. v. Humi Packing Co.*..... 167
 2. *Id.* "Date," signifies primarily the time specified in written instrument. *Id.*
 3. *Id.* *Intestability.* Two years from date of issue; date intended is that specified in policy, although this by agreement of parties was earlier than dates of execution and delivery. *Id.*
 4. *Id.* Such provision inures to beneficiary, and applies where period elapses after death of insured. *Id.*

- Page
- INTANGIBLE PROPERTY.** See Constitutional Law, XIII, 12-15, 22.
- INTENT.** See Partnership, 1; Patents for Inventions, 4.
- INTEREST.** See Bankruptcy Act, 2; Condemnation, 2, 3.
- INTERIOR, SECRETARY OF.** See Public Lands, I.
- INTERNAL REVENUE.** See Taxation, II.
- INTERNATIONAL LAW.** See Admiralty, 7; Aliens; Canal Zone, 4; Treaties.
Suits between States. See Jurisdiction, IV (2).
- INTERSTATE COMMERCE.** See Anti-Trust Acts; Constitutional Law, III; Employers' Liability Act, 2; Interstate Commerce Acts; Safety Appliance Act; Unfair Competition.
1. *Distribution of Motion-Picture Films.* Business of lessor manufacturer and transactions with lessee exhibitor, held interstate commerce, though films delivered through agents of lessor in lessee's State. *Binderup v. Pathe Exchange*.... 291
 2. *Unloading*, at destination, of interstate shipment, held interstate commerce. *Balt. & Ohio S. W. R. R. v. Burtch*... 540
- INTERSTATE COMMERCE ACTS.** See Anti-Trust Acts; Constitutional Law, III; Employers' Liability Act; Safety Appliance Act; Unfair Competition.
Federal Control and Transportation Acts. See Carriers, 4-7; Jurisdiction, IV, 15, 16; VI, 5, 6; and II, 14-24, *infra*.
Shipping Commissioners and Anti-Trust Acts; rights of seamen under. See *Street v. Shipowners' Assn.*..... 334
- I. Shipper, Passenger and Carrier.** See II, *infra*.
1. *Limitation of Liability*, agreed upon and valid under federal law, not affected by state law requiring carrier to prove loss was occasioned by uncontrollable events. *American Ry. Express Co. v. Levee*..... 19
 2. *Assent of Shipper to Rates.* Agreement to ship all products over railroad, not a continuing assent to rates in effect when it was made. *United States v. Illinois Central R. R.*... 515

INTERSTATE COMMERCE ACTS—Continued.

Page.

II. Powers and Proceedings of Commission.

Suit to set aside orders. See Jurisdiction, IV, 8; VI, 9.

1. *Orders of Commission; Who May Attack*, as exceeding powers; not essential that plaintiff should have been party before Commission when order made. *Hines Yellow Pine Trustees v. United States*..... 143

2. *Id.* Plaintiff must show actual or threatened legal injury to himself. *Id.*

3. *Id.* *Abolition of Penalties for Lumber Held at Reconsignment Points*. Interest of manufacturers in effective transportation, does not entitle them to attack order as exceeding power of Commission and violating constitutional rights of carriers. *Id.*

4. *Unloading by Owner of Freight*. Rule of Commission requiring, held not to affect liability of carrier for injury to owner while assisting, as carrier's employee, in unloading heavy freight. *Balt. & Ohio S. W. R. R. v. Burtch*..... 540

5. *Rates; Interchangeable Mileage Tickets*. Under § 22, amended 1922, rates must be just and reasonable. *United States v. New York Central R. R.*..... 603

6. *Id.* *Erroneous Findings*. Where Commission's conclusion that reduced rate fixed by it for such tickets was reasonable was contradicted by its findings of fact and was based on misconception of Act 1922 as requiring reduction, conclusion was one of law, not binding on court. *Id.*

7. *Discrimination, by Reasonable Joint Through Rates*, of trunk line and independent connection. *United States v. Illinois Central R. R.*..... 515

8. *Id.* *Illegality*. Discrimination not illegal under § 3 unless unjust; difference in rates illegal only when not justified by cost of respective services. *Id.*

9. *Id.* *When Unjust*. That rate is inherently reasonable and that lower rate from competing points is not shown to be unreasonably low, does not establish that discrimination is just. *Id.*

10. *Id.* *Commission's Findings*. Purpose of preferential rate to develop traffic on main line, or to secure competitive traffic, does not establish innocence of discrimination as

INTERSTATE COMMERCE ACTS—Continued.

Page

matter of law; must be weighed by Commission, whose finding of unjust discrimination, based on consideration of all factors, is conclusive. *Id.*

11. *Id. Rate Policy.* Such decision is not substitution of Commission's policy for that of carrier. *Id.*

12. *Id. Confiscation.* Order that trunk line and short line, participating in joint rate, desist from discrimination, but which may be satisfied by raising other, competing rates of trunk line, or by reducing division of joint rate, *held* not confiscatory upon short line. *Id.*

13. *Id. Combination of Local Rates.* Commission may remove unjust discrimination in through rate consisting of combination of locals, as well as in joint through rate. *Id.*

14. *Terminal Switching; Emergency Orders; Transportation Act.* Commission without authority to require terminal carrier, without hearing, to switch, by its own engines and over its own tracks, freight cars of connecting carriers. *Peoria Ry. v. United States*..... 528

15. *Transportation Act; Recapture Clause.* Relation to plan of act; uniform rates; fair net returns to weak and strong roads. *Dayton-Goose Creek Ry. v. United States*..... 456

16. *Id. Rate Groups.* Rates yielding to all roads not more than fair net operating income on aggregate properties; reasonableness as to individual shipper; reasonableness of particular rate open to inquiry, independently of net return to carrier from all. *Id.*

17. *Id. Fair Net Operating Income.* Right of carrier to; use of, as standard of reasonableness, when issue respects level of all rates received by carrier. *Id.*

18. *Id.* Net operating profit from whole rate structure relevant in determining whether sum of rates is fair; reduction of excessive profit, under act, tantamount to reducing rates proportionately before collection. *Id.*

19. *Id. Recapture Clause,* limiting railroads to fair return on value of properties, and appropriating excess income in part for use by Government in aiding weaker roads and part for restricted use of carrier, is valid. *Id.*

20. *Id. Reserved Power of States.* Not invaded by recapture clause, in reducing net income from intrastate rates; clause is within federal commerce power. *Id.*

INTERSTATE COMMERCE ACTS—Continued.

Page.

21. *Id.* *Judicial Hearing; Fair Return.* Absence from act of provision for, not objectionable; legislative fixing of rates; question of confiscation left to courts. *Id.*

22. *Id.* *Confiscation.* *Semble*, that 8% on value reported by carrier, remaining after paying one-half excess to Commission, is not confiscatory. *Id.*

23. *Id.* *Attacking Return Allowed*, on ground valuation was too low; true value must be alleged. *Id.*

24. *Id.* *Valuation by Commission.* Whether valuations reported by carrier, upon which net income calculated, were understated, not considered when carrier has not invoked Commission's decision. *Id.*

INTERSTATE COMMERCE COMMISSION. See *Interstate Commerce Acts*, II; *Jurisdiction*, IV, 8; VI, 9.

INTOXICATING LIQUORS:

Prohibition Act; Nuisance; § 21, Tit. II; Non-infamous Crimes. Imprisonment for maintaining nuisance cannot be at hard labor or in penitentiary; prosecution by information. *Brede v. Powers*. 4

INVENTIONS. See *Patents for Inventions*.

IRRIGATION. See *Condemnation*, 1; *Public Lands*, III.

JAPAN:

Treaty 1911; right of Japanese to acquire land. See *Aliens*, 11-15.

JETTISON. See *Admiralty*, 4.

JOINDER. See *Bankruptcy Act*, 4.

JUDGES:

Power to issue writ of *habeas corpus*. See *Habeas Corpus*, 1, 2.

1. *Disqualification for Interest.* Judge not disqualified, in case involving duties of corporation under conventional trust, because of being executor and trustee to whom stock in corporations holding property under like trusts has passed for disposal under will. *Rooker v. Fidelity Trust Co.* . . . 413

JUDGES—Continued.

Page.

2. *District Judge; Qualification to Sit in Court of Appeals; Jud. Code, § 120.* May review conviction where no question considered by him in District Court involved; facts that judge overruled motion to quash by co-defendant, not tried, and in another similar case, overruled like motion, presided at trial and sentenced defendant, do not disqualify him. *Delaney v. United States*..... 586

JUDGMENTS. See Procedure, III, IV.

Finality. See **Jurisdiction**, IV (3); V, 2.

Original cases; costs; rehearing. See **Procedure**, I.

Independent non-federal basis. See **Jurisdiction**, IV, 25; V, 1.

1. *Res Judicata.* Decision of Circuit Court of Appeals reversing decree of Court of Canal Zone, not *res judicata* on second appeal to former court or on review of its final decision here. *Diaz v. Patterson*..... 399

2. *Id. Estoppel.* Judgment of bankruptcy court confirming composition; not *res judicata* as to action by creditor against bankrupt for deceit; creditor estopped as to issue of falsity decided against him in bankruptcy proceeding. *Myers v. International Trust Co*..... 64

JURISDICTION:

I. Generally, p. 763.

II. Jurisdiction of Federal Courts Generally, p. 764.

III. Jurisdiction Over the Person, p. 764.

IV. Jurisdiction of This Court:

- (1) Generally, p. 764.
- (2) Original, p. 764.
- (3) Over Circuit Court of Appeals, p. 765.
- (4) Over District Court, p. 765.
- (5) Over Court of Claims, p. 766.
- (6) Over Courts of District of Columbia, p. 766.
- (7) Over State Courts, p. 766.

V. Jurisdiction of Circuit Court of Appeals, p. 768.

VI. Jurisdiction of District Court, p. 768.

See **Bankruptcy Act; Constitutional Law; Equity; Habeas Corpus; Mandamus; Parties; Procedure.**

Jurisdiction of state courts. See I, 3; II, 1; III; IV, 5, 18-31; VI, 2, 6, *infra*.

JURISDICTION—Continued.

Page.

- Id.* Of Court of Claims. See IV, 15, 16, *infra*.
- Id.* Of Courts of District of Columbia. See IV (6), *infra*.
- Id.* Of Courts of Canal Zone. See IV, 6, 10; V, 4, 5, *infra*.
- Administrative decisions. See references under that title.
- Certiorari. See IV, 18, 19, *infra*; Procedure, II, 4; III.
- Escheat proceedings; essentials of jurisdiction. See Escheat.
- Federal question. See I, 3, 4; II, 2; III; IV, 9-14, 17, 22-31; V, 1; VI, 2-7, *infra*.
- Final judgment. See IV, (3); V, 2, *infra*.
- Injunction; unconstitutional statute. See Equity, 1.
- Judges; disqualification. See Judges.
- Local law. See I, 3, II, 1, 2; IV, 18-31, *infra*; Aliens, 18; Carriers, 1; Procedure, IV, 7-10.
- Removal. See IV, 5; VI, 6, *infra*.
- Transfer of causes. See IV, 12, 13, *infra*.

I. Generally.

- 1. *Legislative and Judicial Functions.* Provision of rules for conduct of exchange upon which are made sales for future delivery, to prevent abuse, by others, of its lawful functions, is not a judicial office. *United States v. New York Coffee Exchange*..... 611
- 2. *Executive Discretion.* Right of disabled naval officer to be retired on pay is dependent by statute on judgment of President, not of courts. *Denby v. Berry*..... 29
- 3. *Change of Judicial Decision.* Decision by State Supreme Court, involving reversal of earlier decision of law applicable, does not violate constitutional rights. *Tidal Oil Co. v. Flanagan*..... 444
- 4. *Constitutional Question; Confiscatory Rates.* Not Considered, unless raised in complaining carrier's bill. *Dayton-Goose Creek Ry. v. United States*..... 456

See also IV, 9, 10, 26; VI, 3, 5-7, *infra*.

- 5. *Rules of Court,* cannot enlarge or restrict jurisdiction, or modify substantive law. *Washington-Southern Co. v. Baltimore Co.*..... 629
- 6. *Circuit Judge.* Power to issue writ of *habeas corpus*. *Craig v. Hecht*..... 255

JURISDICTION—Continued.

Page.

II. Jurisdiction of Federal Courts Generally.

1. *In Equity; Inadequate Legal Remedy.* In suit to restrain tax collection for fraudulent overassessment, state law authorizing review of assessments by appeal to state court, not clearly applicable where fraud is the ground, is not adequate remedy ousting federal equity jurisdiction. *Wilson v. Illinois Southern Ry.*..... 574
2. *Enforcing State Law.* Federal courts, exercising jurisdiction based on diverse citizenship, but without invoking contract clause, enforce state law under state decisions governing when contract was made. *Tidal Oil Co. v. Flanagan.*..... 441
3. *Orders of Interstate Commerce Commission.* Where conclusion that reduced rate fixed by Commission was reasonable was contradicted by findings of fact and based upon misconception of statute, conclusion is one of law, not binding on court. *United States v. New York Central R. R.*..... 603
4. *Id. Questions of Fact,* decision of which is committed by statute primarily to Commission, not considered when party fails to invoke Commission's decision. *Dayton-Goose Creek Ry. v. United States.*..... 456

III. Jurisdiction Over the Person.

- Appearance,* in state court; when not a waiver of objection to jurisdiction based on federal regulation. *Davis v. Wechsler* 22

IV. Jurisdiction of This Court.**(1) Generally.**

1. *Inoperative Statute.* Jud. Code, § 237, amended 1922, construed as not adding to general appellate jurisdiction. *Tidal Oil Co. v. Flanagan.*..... 444

(2) Original.

Prohibition. See IV, 7, *infra*.

Costs; suits between States. See **Procedure**, I, 1.

2. *States; Injunction; Property Rights of Citizens.* State may sue to enjoin flooding of private lands by drainage operations of adjoining State. *North Dakota v. Minnesota.*... 365

JURISDICTION—Continued.

Page.

3. *Id. Money Damages.* Claim for, by State, on behalf of citizens, against another State, not within original jurisdiction. *Id.*

(3) *Over Circuit Court of Appeals.* See V, *infra*.

Transfer of causes. See IV, 12, 13, *infra*.

4. *Final Judgment; Materialmen's Act; Action on Bond.* Judgment affirming adjudication of amount due plaintiff, but remanding for jury trial of claims of intervening creditors, not final. *Arnold v. Guimarin & Co.*..... 427

5. *Id. Removal. Diverse Citizenship.* Where only ground of removal from state court, judgment of Court of Appeals affirming recovery in District Court not reviewable by writ of error. *Davis v. Slocomb.*..... 158

6. *Second Appeal from Canal Zone; Res Judicata.* Decision of Court of Appeals reversing Court of Canal Zone, not *res judicata* on second appeal to former court or on review of its final decision here. *Diaz v. Patterson.*..... 396

(4) *Over District Court.* See VI, *infra*.

7. *Prohibition; Remedy by Appeal.* Suit to enjoin federal officials from taking possession of personal property leased to plaintiff by United States; when not restrained as suit against United States. *Ex parte United States.*..... 389

8. *Venue; Waiver of Objection.* In suit to set aside order of Interstate Commerce Commission, wherein District Court overruled objection by United States to venue, but refused injunction, and plaintiff appealed, right of United States to insist upon objection lost by failure to take cross appeal. *Peoria Ry. v. United States.*..... 528

9. *Jurisdictional Question.* Not raised, by judgment on directed verdict based on failure of petition and opening statement to show a cause of action within federal statute. *Binderup v. Pathe Exchange.*..... 291

10. *Id. Canal Zone.* Objection that suit, to restrain Panama officials from executing order of President, alleged to deprive plaintiffs of federal rights, is against United States, does not raise jurisdictional question. *McConaughy v. Morrow.*..... 39

JURISDICTION—Continued.

Page.

11. *Constitutional Question*. Where jurisdiction based solely upon constitutional question, appeal lies to this Court exclusively. *McMillan Co. v. Abernathy*..... 438
12. *Transfer of Causes; Jud. Code, § 238a*. Case erroneously taken to Court of Appeals not transferable here if time for appeal to this court from District Court had expired when appeal to Court of Appeals was taken. *Id.*
13. *Id.* Case transferred to Court of Appeals when grounds for appeal directly here are lacking. *Street v. Shipowners' Assn.*..... 334
14. *Review of Merits*, when jurisdiction of District Court based on constitutional question. *Wilson v. Illinois Southern Ry* 574

(5) *Over Court of Claims.*

15. *Jud. Code, § 154. Pendency of Action in District Court*, arising out of federal control, prevents prosecution of appeal from earlier judgment of Court of Claims rejecting claim on same cause. *Corona Coal Co. v. United States*..... 537
16. *Id. Limitations*. Prohibition of § 154 not avoided because later action brought to avoid time limitation of Transportation Act. *Id.*

(6) *Over Courts of District of Columbia.*

17. *Construction of Federal Laws*. Decree of Court of Appeals affirming Supreme Court's dismissal of bill where construction of act of Congress relied on by plaintiff questioned by defendant, reviewable here. *Brady v. Work*..... 435

(7) *Over State Courts*. See I, 3; II, 1; III; IV, 5, *supra*; VI, 2, 6, *infra*.

18. *Certiorari*. When directed to intermediate court. *American Ry. Express Co. v. Levee*..... 19
19. *Id. Limitations*. Time for applying for certiorari here, dates from refusal of highest state court to review intermediate court. *Id.*
20. *Writ of Error; "Authority under State;" Jud. Code, § 237*. Issuance by state officials of patents, under state law empowering them to convey land passing to State under Federal Swamp Land Act, not exercise of authority under State, if lands in patent, by reason of prior Spanish grant

JURISDICTION—Continued.

Page.

and treaty and federal laws, not included in swamp land grant. *New Orleans Land Co. v. Brott*..... 97

21. *Id.* Claim that state court erred in sustaining Spanish grant over objection that it was not valid originally and was not confirmed by Congress, not reviewable in error. *Id.*

22. *Judgment Deciding Federal Question; Collateral Attack.* Decision of state court can not be attacked in District Court but only by review here. *Rooker v. Fidelity Trust Co.*.... 413

23. *Federal Question. Characterization of Law by State Court, or legislature, not controlling in determining whether state law burdens interstate commerce.* *Lacoste v. Department of Conservation*..... 545

24. *Id. Objection to Jurisdiction Based on Federal Regulation; Waiver.* State decision denying objection on ground that it was waived by appearance, reviewable here. *Davis v. Wechsler*..... 22

25. *Id. Independent Local Grounds.* Decision not based on, which treated objection to jurisdiction (based on action not being brought in proper county as required by federal regulation) as going to venue and waived by appearance. *Id.*

26. *Id. Contract Rights; Judicial Impairment.* Claim of impairment by change of judicial decision construing applicable statutes not reviewable; raising objection in state court and in this Court. *Tidal Oil Co. v. Flanagan*..... 444

27. *Id. Legislative Impairment.* Where contract claimed to be impaired by subsequent statute, construction of statute by state court accepted, but validity and scope of contract and effect upon it of subsequent statute determined by this Court. *Id.*

28. *Frivolous Question.* Claim of impairment of property or contract rights through reversal by State Supreme Court of earlier decisions. *Id.*

29. *Id.* Objections to state intangible property tax on railroads, classification and double taxation, held frivolous. *Baker v. Druesedow*..... 137

30. *Id. Errors of Judgment, over-assessment due to, not reviewable as violation of due process.* *Id.*

31. *Findings of Jury. Not Controlling* here, when not supported by evidence, in determining whether case appealed from state court is governed by Federal Employers' Liability Act. *Balt. & Ohio S. W. R. R. v. Burtch*..... 540

JURISDICTION—Continued.

Page.

V. Jurisdiction of Circuit Court of Appeals. See IV (3), *supra*.Transfer of causes. See IV, 12, 13, *supra*.

1. *Federal and Non-federal Questions*. Where jurisdiction of District Court is based on constitutional question, presence of other non-federal questions, no ground for appeal to Court of Appeals. *McMillan Co. v. Abernathy*..... 438

2. *Habeas Corpus; Appeal*. Final order of discharge, made at chambers by Circuit Judge exercising power of District Court, or by District Judge, reviewable by Court of Appeals. *Craig v. Hecht*..... 255

3. *Id. Contempt*. Order of District Court sentencing for contempt, reviewable by appeal, not *habeas corpus*. *Id.*

4. *5th Circuit; Courts of Canal Zone*. Act Sept. 21, 1922, providing for review of questions of jurisdiction, inapplicable to cases pending in Court of Appeals or in this Court on appeal. *McConaughy v. Morrow*..... 39

5. *Id. Second Appeal; Res Judicata*. Decision of Court of Appeals reversing decree of Court of Canal Zone, not *res judicata* on second appeal to former court. *Diaz v. Patterson*..... 399

VI. Jurisdiction of District Court. See IV (4), *supra*.Power to sentence to imprisonment in another State. See **Criminal Law**, 5.

1. *Admiralty; Security for Damages*. Limits of power, under Rule 50, to stay proceedings in original suit until original libellant gives security to respond to counterclaim. *Washington-Southern Co. v. Baltimore Co.*..... 629

2. *Federal Question; Review of State Judgment*. No jurisdiction of suit by party defeated in state courts, against successful opponents, all citizens of same State, to set aside judgment for alleged errors by state courts in deciding constitutional questions. *Rooker v. Fidelity Trust Co.*..... 413

3. *Id.* Jurisdiction where right set up by plaintiff depends upon construction of act of Congress. *King County v. Seattle School Dist.*..... 361

4. *Id.* Jurisdiction over suit by United States and corporate instrumentality to avoid state taxation of property of the corporation. *Clallam County v. United States*..... 341

JURISDICTION—Continued.

Page.

5. *Id. Federal Control Act.* Action for death by negligence, based on state statute, arises under federal law when brought against Director General or his successor. *Davis v. Slocomb*..... 158
6. *Id. Removal.* Actions against Director General, or Agent of President, not removable to District Court because arising under Federal Control Act. *Id.*
7. *Id. Claim Under Federal Act.* Substantial claim under federal statute presents case within jurisdiction as federal court; jurisdiction does not depend upon way court may decide issue as to legal sufficiency of facts alleged. *Binderup v. Pathe Exchange*..... 291
8. *Contempt.* Jurisdiction to decide whether evidence established offense within statute and whether respondent guilty as charged. *Craig v. Hecht*..... 255
9. *Orders of Interstate Commerce Commission.* Act of 1913 fixing venue in suits attacking orders; does not relate to jurisdiction of subject matter; objection that suit is in another district waived if not made in trial court. *Peoria Ry. v. United States*..... 528

JURY. See Constitutional Law, IX, 1; Jurisdiction, IV, 4, 9, 31.

LABOR, SECRETARY OF. See Aliens, 7.

LABOR UNIONS. See Anti-Trust Acts, 2, 3.

LACHES. See Patents for Inventions, 3.

LAND. See Aliens, 10-15; Indians; Public Lands; Waters.

LANDLORD AND TENANT. See Aliens, 11; Indians.

LARCENY. See Carriers, 4.

LEASE. See Aliens, 11; Anti-Trust Acts, 1; Contracts, 3; Indians; Jurisdiction, IV, 7.

LEGACIES. See Executors and Administrators.

LEGISLATIVE HISTORY. See Statutes, 2.

LIBEL. See Admiralty, 2.

- LICENSE.** See Patents for Inventions; Public Lands, III, 7;
Taxation, III. Page
- LIFE INSURANCE.** See Insurance.
- LIMITATIONS.** See Adverse Possession, 1.
Appeal, error and certiorari. See Jurisdiction, IV, 12, 16, 19.
Of liability. See Carriers, 1.
Incontestability. See Insurance, 3, 4.
- LIQUIDATION.** See Banks and Banking, 11-13.
- LIQUORS.** See Intoxicating Liquors.
- LOCAL LAW.** See Aliens, 18; Carriers, 1; Jurisdiction, I, 3;
II, 1, 2; IV, 18-31; Procedure, IV, 7-10.
- MANDAMUS:**
Secretary of Navy; Retirement of Officers. Mandamus
does not lie to revoke order retiring officer to inactive duty
in Naval Reserve Force. *Denby v. Berry*..... 29
- MASTER AND SERVANT.** See Canal Zone, 2, 3; Carriers,
2; Employers' Liability Act; Safety Appliance Act.
Workmen's compensation. See Constitutional Law, XIII,
7, 8.
Labor unions. See Anti-Trust Acts, 2, 3.
Seamen. See *Street v. Shipowners' Assn.*.....334
- MATERIALMEN'S ACT.** See Jurisdiction, IV, 4.
- MENTAL CAPACITY.** See Wills.
- MILEAGE TICKETS.** See Interstate Commerce Acts, II, 5, 6.
- MISREPRESENTATION.** See Partnership, 5, 7.
- MISTAKE.** See Partnership, 5, 6.
- MONOPOLY.** See Anti-Trust Acts; Patents for Inventions;
Unfair Competition.
- MULTIPLICITY OF SUITS.** See Equity, 2.
- MUNICIPALITIES.** See Constitutional Law, IV, 3, 4; XIII,
17-19.

NATIONAL BANKS. See Banks and Banking; Constitutional Law, VII. Page

NATIONAL PROHIBITION ACT. See Intoxicating Liquors.

NAVY:

1. *Naval Reserve Force. Refund of Uniform Gratuity*, upon severance from service before expiration of term of enrollment; not required where officer left force for commission in Navy. *United States v. Slaymaker*..... 94
2. *Id. Status of Officers; Act of 1916.* President and Secretary of Navy may change status from active to inactive duty. *Denby v. Berry*..... 29
3. *Id. Retirement; R. S. § 1455.* Such change is not a retirement within § 1455, or Acts 1918, 1920. *Id.*
4. *Id. Discretion of Secretary. Mandamus* does not lie to revoke order retiring to inactive duty, based on erroneous belief that officer not entitled under Acts 1918, 1920, to be retired on pay when disabled. *Id.*
5. *Id. Retiring Board.* Naval Regulation, providing officer on active list be ordered before board when physically incapacitated, did not bind Secretary as rule of law, under R. S., § 1547. *Id.*
6. *Id. Discretion of President.* Right of disabled officer to be retired on pay, dependent by statute on judgment of President, not of courts; appeal to President, when application for retirement board disapproved by Secretary. *Id.*

NAVY, SECRETARY OF. See Navy.

NEGLIGENCE. See Carriers, 1, 5; Constitutional Law, XIII, 7, 8; Employers' Liability Act, 1; Safety Appliance Act.

NONRESIDENTS. See Escheat; Parties, 2; Taxation, III. Diverse citizenship. See Jurisdiction, II, 2; IV, 5; VI, 2.

NOTICE. See Adverse Possession, 2; Constitutional Law, IX, 7; XIII, 2, 3, 5, 13; Escheat.

NUISANCE. See Intoxicating Liquors.

OFFICERS. See Aliens, 6, 7, 16-18; Criminal Law, 5; Escheat, 3; Navy.
 Administrative decisions. See references under that title.
 Federal officials; suit against United States. See Aliens, 16; Jurisdiction, IV, 7, 10.
 Director General of Railroads and successor; actions against. See Carriers, 4-7.
 State officials; exercise of authority under State. See Jurisdiction, IV, 20, 21.

OPTION. See Admiralty, 3; Contracts, 3.

ORIGINAL CASES. See Jurisdiction, IV, 2, 3, 7; Procedure, I.

PANAMA. See Adverse Possession; Canal Zone; Jurisdiction, IV, 6, 10; V, 4, 5.

PAROLE. See Criminal Law, 2, 3.

PARTIES:

Joinder; intervening creditors. See Bankruptcy Act, 4.
 United States; suit against. See Aliens, 16; Jurisdiction, IV, 7, 10.
 Orders of Interstate Commerce Commission; who may attack. See Interstate Commerce Acts, II, 1-3.
Id. Objection by United States to venue. See Jurisdiction, IV, 8; VI, 9.
 Federal control; actions against Director General. See Carriers, 4-7.
 States; original suits; asserting rights of citizens. See Jurisdiction, IV, 2, 3.
Id. Costs. See Procedure, I, 1.
Id. Questioning right of national bank to establish branches. See Quo Warranto.
 Service on absentees. See Escheat; and 2, *infra*.
 Criminal and forfeiture proceedings; injunction. See Equity, 1.
 Diverse citizenship. See Jurisdiction, II, 2; IV, 5; VI, 2.
 1. *Indispensable Parties; Enjoining Land Patent.* Person to whom Land Department has adjudged right to land is indispensable to suit by defeated claimant to enjoin issuance of patent. *Brady v. Work*..... 435
 2. *Id. Excusing Absence.* Inability to obtain service, owing to defendant's residence beyond jurisdiction, is no excuse. *Id.*

PARTIES—Continued.

Page.

3. *Accounting; Federal Forest Reserve Funds; Act May 23, 1908.* State school district not entitled to accounting against county, when more of funds used for road than for school purposes. *King County v. Seattle School Dist....* 361

PARTNERSHIP:

1. *Existence of; Illinois Law.* Question of partnership, as between parties, is one of intention, to be gathered from facts. *Giles v. Vette.....* 553
2. *Limited Partnership.* Could not be formed, under Illinois Act 1874, until certificate filed with county clerk. *Id.*
3. *Id.* Where this was not done until Limited Partnership Act 1917 had displaced Act 1874, and plan was to conduct business not authorized under later act, attempt to form limited partnership was abortive. *Id.*
4. *Id. Liability as Limited or General Partners.* Persons who contributed capital and received profits, but under ineffectual agreement for limited partnership and without authority to bind firm, and who returned dividends when it became bankrupt, not general partners under General Partnership Act. *Id.*
5. *Id. Mistake.* Mere representation, on mistaken belief, that one is limited partner, will not make him liable as general partner to creditors not injured thereby. *Id.*
6. *Id. Renouncing Profits.* Uniform Limited Partnership Act, § 11, providing that one who has contributed capital erroneously believing he has become limited partner shall not, by exercise of rights of limited partner, be liable as general partner, provided he renounces profits, not restricted to cases of attempts to organize limited partnerships under that act. *Id.*
7. *Id. Misrepresentation.* Under § 6, false statement in limited partnership certificate does not create liability in favor of creditors not suffering loss by reliance upon it. *Id.*

PASSENGERS. See Interstate Commerce Acts, II, 5, 6.

PATENTS FOR INVENTIONS:

1. *Infringement. Replacement of Parts of Machine,* by purchaser; manufacture and sale of parts by another; when not infringement. *Heyer v. Duplicator Mfg. Co.....* 100

PATENTS FOR INVENTIONS—Continued.

Page.

2. *Postponement of Term of Monopoly*, by applicant, done deliberately and without excuse, evades patent law. *Woodbridge v. United States*..... 50
3. *Id. Forfeiture of Right to Patent*, where inventor, after patent allowed, delays issuance until needs for invention render it of pecuniary value to him; compensation from Government for use, denied. *Id.*
4. *License Contract; Use by Government; Estoppel*: Where Government obtained from patent applicant license to use device at certain rates, and was later sued by licensor for its use of device of another claimed to come within licensor's application and subsequent patent, Government not estopped from showing contract not intended to apply to device so used. *Electric Boat Co. v. United States*..... 621

PATENTS FOR LANDS. See Jurisdiction, IV, 20, 21; Public Lands, I; III, 1, 2.

PAY. See Canal Zone, 3; Navy, 4-6.

PENALTIES. See Bankruptcy Act, 2; Interstate Commerce Acts, II, 3.

PERSONAL INJURY. See Carriers, 5; Constitutional Law, XIII, 7, 8; Employers' Liability Act; Safety Appliance Act.

PHILIPPINE ISLANDS. See Taxation, II, 2.

PLEADING. See Quo Warranto.

Counterclaim; requiring security of libellant. See Admiralty, 2.

Intervention; creditors. See Bankruptcy Act, 4.

Setting up action within federal jurisdiction. See Jurisdiction, IV, 9; VI, 7.

1. *Point not Pleaded.* Whether rates are confiscatory not considered by court when question not raised in bill. *Dayton-Goose Creek Ry. v. United States*..... 456

2. *Rates; Attacking Valuation.* Where return allowed is attacked on ground that valuation upon which it was computed was too low, bill should allege true value. *Id.*

PLEDGE. See Banks and Banking, 11.

POLICE POWER. See Constitutional Law.

POLL TAX. See Taxation, III.

PORTO RICO.

Following local decisions. See Procedure, IV, 10.

POSSESSION. See Adverse Possession; Jurisdiction, IV, 7.

PRESIDENT. See Canal Zone, 1, 2; Carriers, 6; Jurisdiction, IV, 10; VI, 5, 6; Navy, 2, 6.

PRESUMPTION. See Statutes, 6.

PRINCIPAL AND AGENT. See Interstate Commerce, 1.

PRIORITY. See Public Lands, III, 5.

PRISONERS. See Criminal Law, 1-7.

PRIVILEGES AND IMMUNITIES. See Constitutional Law, V.

PROBABLE CAUSE. See Aliens, 3.

PROBATE. See Wills.

PROCEDURE. See Admiralty; Adverse Possession; Aliens; Bankruptcy Act; Condemnation; Constitutional Law; Criminal Law; Employers' Liability Act; Equity; Escheat; Evidence; Executors and Administrators; Habeas Corpus; Interstate Commerce Acts; Judges; Judgments; Jurisdiction; Mandamus; Parties; Patents for Inventions; Pleading; Public Lands; Quo Warranto; Safety Appliance Act; Statutes; Taxation; Unfair Competition; Waters; Wills.

Appearance. See Jurisdiction, III; IV, 24, 25.

Attachment. See Aliens, 18.

Certiorari. See II, 4; III, *infra*; Jurisdiction, IV, 18, 19.

Conformity Acts. See Condemnation, 3.

Contempt. See Jurisdiction, V, 3; VI, 8.

Counterclaim. See Admiralty, 2.

Damages. See Admiralty, 4; Carriers, 1; Condemnation, 2, 3; Constitutional Law, XIII, 19; Indians.

Estoppel. See Judgments, 2; Patents for Inventions, 4.

Federal question. See Jurisdiction, I, 3, 4; II, 2; III; IV, 9-14, 17, 22-31; V, 1; VI, 2-7.

Final judgment. See *id.*, IV (3); V, 2.

PROCEDURE—Continued.

Page.

Injunction. See Anti-Trust Acts, 5; Equity, 1, 2; Interstate Commerce Acts, II, 1-3; Jurisdiction, IV, 7, 8, 10; Public Lands, I; Waters, 1.

Instructed verdict. See Jurisdiction, IV, 9.

Jury. See Constitutional Law, IX, 1; Jurisdiction, IV, 4, 9, 31.

Laches. See Patents for Inventions, 3.

Limitations. See Adverse Possession, 1; Insurance, 3, 4; Jurisdiction, IV, 12, 16, 19.

Local law. See Aliens, 18; Carriers, 1; Jurisdiction, I, 3; II, 1, 2; IV, 18-31; and IV, 7-10, *infra*.

Presumption. See Statutes, 6.

Prohibition. See Jurisdiction, IV, 7.

Rehearing. See I, 2, *infra*.

Removal. See Jurisdiction, IV, 5; VI, 6.

Rules. See II, *infra*.

Search and seizure. See Constitutional Law, VIII.

Self-incrimination. See *id.*, IX, 2.

Sentence. See Criminal Law, 1-7.

Stare decisis. See Jurisdiction, I, 3; II, 2.

Transfer of causes. See *id.*, IV, 12, 13.

Tucker Act. See Contracts, 3.

Venue. See Jurisdiction, III; IV, 8, 24; VI, 9.

Waiver. See *id.*

I. Original Cases.

1. *Between States; Costs.* Divided between parties where governmental question involved; where suit conducted on behalf of private individuals, costs adjudged against defeated plaintiff. *North Dakota v. Minnesota*..... 583

2. *Id. Rehearing.* Former decree reaffirmed, after rehearing. *Pennsylvania v. West Virginia*..... 350

II. Court Rules.

1. *Function*, to regulate practice and facilitate business; rules cannot enlarge or restrict jurisdiction, or modify substantive law. *Washington-Southern Co. v. Baltimore Co.*... 629

2. *Rule 50*, of Admiralty Rules, construed. *Id.*

3. *Rule 24*, of this Court, relating to fees for preparing transcripts, amended..... 669

4. *Rule 37*, of this Court, relating to orders entered upon granting writs of certiorari and use of certified transcript as return to writ, amended..... 670

PROCEDURE—Continued.

Page.

III. Certiorari.

Dismissal, When Improvidently Granted. Writ granted under impression that question of public importance is involved, dismissed when argument reveals impression was erroneous. *Southern Power Co. v. Public Service Co.*..... 508

IV. Scope of Review and Disposition of Case.

1. *Constitutional Question. When Not Considered.* Question of confiscatory rates must be raised in complaining carrier's bill. *Dayton-Goose Creek Ry. v. United States*... 456

2. *Id. Merits. Reviewable,* on direct appeal from District Court, where jurisdiction based on constitutional question. *Wilson v. Illinois Southern Ry.*..... 574

3. *Findings; Lower Courts. Sufficiency of Evidence,* to sustain conviction; findings of District Court and Court of Appeals not reexamined by this Court. *Delaney v. United States*..... 586

4. *Id. Jury. Not Controlling,* in this Court when against evidence, in determining whether case appealed from state court governed by Federal Employers' Liability Act. *Balt. & Ohio S. W. R. R. v. Burtch*..... 540

5. *Id. Interstate Commerce Commission.* Questions of fact not considered when party fails to invoke Commission's decision. *Dayton-Goose Creek Ry. v. United States*..... 456

6. *Objection to Venue; Waiver on Appeal.* In suit to set aside order of Interstate Commerce Commission, wherein District Court overruled objection by United States to venue, but refused injunction, and plaintiff appealed, right of United States to insist upon objection lost by failure to take cross appeal. *Peoria Ry. v. United States*..... 528

7. *Construction of State Laws.* In determining whether state law burdens interstate commerce, its form, or its characterization by state legislature or courts do not control. *Lacoste v. Department of Conservation*..... 545

8. *Id.* Federal courts, exercising jurisdiction based on diverse citizenship, but without invoking contract clause, will enforce state law under state decisions governing when contract made, rather than by later decisions. *Tidal Oil Co. v. Flanagan*..... 444

PROCEDURE—Continued.

9. *Id. Questions for This Court.* Where contract claimed to be impaired by subsequent statute, construction of statute by state court accepted; validity and scope of contract and effect upon it of subsequent statute determined by this Court. *Id.*
10. *Spanish Law.* Reasons for following local decisions, in Porto Rico, not equally applicable to Panama Code. *Diaz v. Patterson*..... 399

PROCESS. See *Escheat; Parties*, 2.

PRODUCE EXCHANGES. See *Anti-Trust Acts*, 4-6.

PROHIBITION.

Writ of. See *Jurisdiction*, IV, 7.

PROHIBITION ACT. See *Intoxicating Liquors*.

PROXIMATE CAUSE. See *Constitutional Law*, XIII, 7, 8;
Safety Appliance Act.

PUBLICATION:

Service by. See *Escheat*.

PUBLIC LANDS:

Reclamation Act; acquisition of lands. See *Condemnation*.
Swamp Land Act. See *Jurisdiction*, IV, 20, 21.

I. Issuance of Patent.

1. *Injunction; Indispensable Parties.* Person to whom Land Department has adjudged right to land is indispensable to suit by defeated claimant to enjoin issuance of patent. *Brady v. Work*..... 435
2. *Id. Excusing Absence.* Inability to obtain service, owing to residence beyond jurisdiction, no excuse. *Id.*

II. Forest Reserves.

1. *State School and Road Funds. Act May 23, 1908*, directing expenditure as legislature may prescribe, does not create trust, but results in obligation imposed on public faith of donee State. *King County v. Seattle School Dist.*..... 361
2. *Id. Division*, between purposes named, left to determination of State; equal division not required; school district not entitled to accounting against county. *Id.*

PUBLIC LANDS—Continued.

Page.

III. Reclamation.

1. *Rights of Way; Reservation from Patents.* Act Aug. 30, 1890, includes canals and ditches constructed after as well as before patent. *Ide v. United States*..... 497
2. *Id. State School Land Patents to Private Parties.* Under Wyoming law expressly reserving rights of way for United States, latter may construct irrigation ditches over lands conveyed by state patents. *Id.*
3. *Id. Seepage Water.* Natural ravine may be used to collect waters appertaining to federal project used in irrigating its lands and percolating where not needed, and to conduct them elsewhere for further use on project. *Id.*
4. *Waters; Private Appropriation. Evidence,* held to show no natural flow susceptible to irrigation uses and to private appropriation, and that water resulted from seepage from lands irrigated under federal project. *Id.*
5. *Appropriation by United States.* Right in water not exhausted by conveyance of right of user, and use by, grantees under project; priority of Government in seepage for further irrigation over strangers. *Id.*
6. *Id. Abandonment. Evidence* held to refute contention that Government abandoned seepage waters. *Id.*
7. *State Water Permit.* Held mere license to appropriate water, if available, and in accordance with state law. *Id.*

PUBLIC USE. See Condemnation, 1.

PUBLIC UTILITIES. See Carriers; Constitutional Law, IV, 3, 4; XIII, 1, 14, 21, 22; Interstate Commerce Acts.

QUO WARRANTO:

National Banks. Enforcement by State of state law prohibiting establishment of branch banks, by information in nature of *quo warranto*. *First Natl. Bank v. Missouri*.... 640

RAILROADS. See Carriers; Employers' Liability Act; Interstate Commerce Acts; Safety Appliance Act.

Federal Control and Transportation Acts. See Carriers, 4-7; Interstate Commerce Acts, II, 14-24; Jurisdiction, IV, 15, 16; VI, 5, 6.

Taxation. See Constitutional Law, XIII, 1, 14, 21, 22.

- RAILROAD ADMINISTRATION.** See Carriers, 6. Page.
- RATES.** See Interstate Commerce Acts, I, 2; II, 5-13, 15-24.
- RECLAMATION.** See Condemnation; Public Lands, III.
- RECORD.** See Adverse Possession, 1; Procedure, II, 3, 4.
- REHEARING.** See Procedure, I, 2.
- RELIGIOUS CORPORATIONS.** See Taxation, II, 2.
- REMOVAL.** See Jurisdiction, IV, 5; VI, 6.
- REQUISITION.** See Carriers, 6.
- RESERVATIONS.** See Public Lands, II; III, 1, 2.
- RESERVE FORCE.** See Navy.
- RESIDENTS.** See Escheat; Parties, 2; Taxation, III.
Diverse citizenship. See Jurisdiction, II, 2; IV, 5; VI, 2.
- RES JUDICATA.** See Judgments.
- RESTRAINT OF TRADE.** See Anti-Trust Acts; Unfair Competition.
- RETIREMENT.** See Navy, 3-6.
- RETROACTIVE LAWS.** See Constitutional Law, IV, 3, 4; Statutes, 1, 5.
- REVENUE.** See Taxation.
- RIGHTS OF WAY.** See Public Lands, III, 1-3.
- ROADS.** See Constitutional Law, XIII, 17-19; Public Lands, II.
- RULES:**
1. Admiralty Rule 50, construed. *Washington-Southern Co. v. Baltimore Co.*..... 629
 2. Rule 24, of this Court, amended..... 669
 3. Rule 37, of this Court, amended..... 670

SAFETY APPLIANCE ACT:

Page.

1. *Personal Injury; Proximate Cause.* Where railway's failure to comply with act is proximate cause of injury, employee may recover although not engaged in operation in which appliances were designed to furnish protection. *Davis v. Wolfe* 239
2. *Id. Evidence* held to show defective appliance was proximate cause of injury. *Id.*

SALES. See Aliens, 13; Banks and Banking, 11; Contracts, 3; Patents for Inventions, 1.
Sales on an exchange, for future delivery. See Anti-Trust Acts, 4-6.

SAVINGS DEPOSITS. See Escheat.

SCHOOLS. See Public Lands, II; III, 2.

SEAMEN:

Regulations of shipowners. See *Street v. Shipowners' Assn.* 334

SEARCH AND SEIZURE. See Constitutional Law, VIII.

SECRETARY OF INTERIOR. See Public Lands, I.

SECRETARY OF LABOR. See Aliens, 7.

SECRETARY OF NAVY. See Navy, 2-6.

SEDITION. See Aliens, 4.

SEIZURES. See Aliens, 16-18; Constitutional Law, VIII.

SELF-INCRIMINATION. See Constitutional Law, IX, 2.

SENTENCE. See Criminal Law, 1-7.

SERVICE OF PROCESS. See Escheat; Parties, 2.

SHERMAN ACT. See Anti-Trust Acts.

SHIPPING COMMISSIONERS ACT.

See *Street v. Shipowners' Assn.* 334

SIXTH AMENDMENT. See Constitutional Law, X.

SPANISH GRANTS. See Jurisdiction, IV, 20, 21.

STARE DECISIS. See Jurisdiction, I, 3; II, 2.

Page

STATES. See Banks and Banking, 1-10; Constitutional Law;

Escheat; Quo Warranto; Taxation, IV; Waters.

Reserved powers. See Constitutional Law, IV, 3, 4; XI.

Original cases. See Jurisdiction, IV, 2, 3; Procedure, I.

Courts. See Jurisdiction, I, 3; II, 1; III; IV, 5, 18-31; VI, 2-6; Procedure, IV, 7-10.

Right of, to sue on behalf of citizens. See Jurisdiction, IV, 2, 3.

Suits against, by citizens of other States. See Constitutional Law, XII.

Officers; exercise of authority. See Jurisdiction, IV, 20, 21.

Conformity Acts. See Condemnation, 3.

Local law. See Aliens, 18; Carriers, 1; Jurisdiction, I, 3; II, 1, 2; IV, 18-31; Procedure, IV, 7-10.

Citizens; privileges and immunities. See Constitutional Law, V.

Id. Diversity. See Jurisdiction, II, 2; IV, 5; VI, 2.

Aliens; right to acquire interests in lands. See Aliens, 9-15.

Debts due State. See Bankruptcy Act, 2, 3.

Forest reserves; division of funds, between school and road purposes. See Public Lands, II.

School lands. See *id.*, III, 2.

Swamp lands. See Jurisdiction, IV, 20, 21.

Workmen's compensation laws. See Constitutional Law, XIII, 7, 8.

STATUTES:

Retroactive laws. See Constitutional Law, IV, 3, 4; and 1, 5, *infra*.

Limitations. See Adverse Possession, 1; Jurisdiction, IV, 12, 16, 19.

1. *Retroactive Laws.* Transportation Act, § 206, (a), (d), does not invalidate defense good when act was passed. *Davis v. Wechsler*..... 22
2. *Legislative History; Congressional Debates.* Not controlling in construction of Trading With Enemy Act. *Banco Mexicano v. Deutsche Bank*..... 591
3. *Revised Statutes.* Provisions governing places of execution of sentences for crime are *in pari materia* and construed together. *Brede v. Powers*..... 4

STATUTES—Continued.

Page.

4. *Affecting Jurisdiction of Federal Courts. Jud. Code, § 237*, amended 1922, construed as not adding to general appellate jurisdiction of this Court. *Tidal Oil Co. v. Flanagan*. 444
5. *Id. Act Sept. 21, 1922*, governing review of judgments of District Court for Canal Zone, inapplicable to pending cases. *McConaughey v. Morrow*. 39
6. *Construction; Tax Statutes*. Not extended by implication beyond clear import of language used; doubts resolved in favor of taxpayer. *United States v. Merriam*. 179

STOCKHOLDERS. See Trusts and Trustees.

Corporate instrumentalities of United States; state taxation. See **Constitutional Law**, I, 3; **Jurisdiction**, VI, 4.

Id. Emergency Fleet Corporation; conspiracy to defraud. See **Criminal Law**, 8.

National banks; state taxation of shares. See **Banks and Banking**, 5-10.

Id. Liquidation; liability of shareholders. See *id.*, 11-13. Alien stockholder. See **Aliens**, 13.

STREETS AND HIGHWAYS. See **Constitutional Law**, XIII, 17-19; **Public Lands**, II.**SUMMONS.** See **Adverse Possession**, 2; **Constitutional Law**, XIII, 2, 3, 5; **Escheat**, 2-5.**SWAMP LANDS.** See **Jurisdiction**, IV, 20, 21.**TAXATION:**

Enjoining collection; inadequate legal remedy. See **Equity**, 2, 3.

Assessment; arbitration; notice and hearing. See **Constitutional Law**, XIII, 2, 3.

Franchise tax; domestic corporations. See *id.*, III, 8; XIII, 16.

Railroads; tangible and intangible property; valuation. See *id.*, XIII, 1, 14, 15, 21, 22.

Street improvements; benefits; compensation for damages due to change of grade. See *id.*, XIII, 17-19.

National banks; state taxation; valuation of shares in assessing shareholders. See **Banks and Banking**, 5-10.

TAXATION—Continued.

Page.

I. Generally.

Construction; Tax Statutes. Not extended by implication beyond clear import of language used; doubts resolved in favor of taxpayer. *United States v. Merriam*..... 179

II. Federal Taxation.

1. *Income Tax Act 1913; Exemptions.* Bequest to executor in lieu of compensation or commissions exempted from taxation; act taxes income from but not value of property acquired by gift, bequest, devise or descent. *United States v. Merriam*..... 179
2. *Id. Religious and Charitable Corporations.* Corporation sole not taxable on income, used for religious and charitable purposes, and derived from rents, interest, dividends, and incidental sales of property. *Trinidad v. Sagrada Orden*..... 578

III. Territorial Taxation.

1. *Alaska. Annual Poll and License Taxes,* imposed on non-resident fishermen, within power delegated to Alaska legislature by Organic Act. *Haavik v. Alaska Packers Assn*..... 510
2. *Id. Due Process.* Taxes, as applied to non-resident citizen, temporarily engaged in fishing in Territory, do not violate Fifth Amendment. *Id.*
3. *Id. Privileges and Immunities* clause not violated by license tax, confined to non-residents; exemption of local residents not arbitrary. *Id.*

IV. State Taxation.

Corporate instrumentalities of United States. See Constitutional Law, I, 3.

1. *Federal Regulations.* Things subject to state taxation are not immune to federal regulation under commerce clause. *Binderup v. Pathe Exchange*..... 291
2. *Franchises; Domestic Corporations; Apportionment of Tax.* New York law requiring payment in advance, computed on net income for preceding year; apportionment of tax to fraction of year which had elapsed when corporation went out of business, not permissible. *New York v. Jersawit*.... 493

TAXATION—Continued.

Page.

3. *Id.* *Effect of Bankruptcy.* State entitled to entire tax when corporation becomes bankrupt after lapse of part of tax year. *Id.*
4. *Id.* *Penalty or Interest.* Additions to tax for non-payment when due, *held* not statutory interest and not allowable to State in bankruptcy proceedings. *Id.*
5. *Wild Game; Tax on Dealers.* State may require payment of tax, as condition to transfer of title to dealer. *Lacoste v. Department of Conservation*..... 545
6. *Id.* *Interstate Commerce.* Tax may be laid on skins in hands of dealers before interstate movement; may be imposed on dealer who ships out of State, or buys for that purpose or to sell for manufacture within State, rather than taxing while in hands of trapper. *Id.*
7. *Id.* *Administrative Regulations.* Authority to ascertain prices paid by dealer, determine manner of payment of tax, and adopt regulations for its collection, may be delegated to administrative body. *Id.*
8. *Id.* *Classification.* Distinction between wild animals taken with permission of State and other property in hands of merchants for purposes of taxation. *Id.*

TENANCY AT WILL. See Indians.

TENTH AMENDMENT. See Constitutional Law, XI.

TERRITORIES. See Canal Zone; Jurisdiction, IV, 6, 10; V, 4, 5; Taxation, III.

TIME:

Computation of; service of sentence. See Criminal Law, 3.

TITLE. See Adverse Possession; Game.

TORTS. See Carriers, 5; Constitutional Law, XIII, 7, 8; Contracts, 3; Employers' Liability Act; Safety Appliance Act.

TRADE, RESTRAINT OF. See Anti-Trust Acts; Unfair Competition.

TRADING WITH ENEMY ACT. See Aliens, 16-19.

TRANSFER OF CAUSES. See Jurisdiction, IV, 12, 13.

- TRANSPORTATION ACT.** See Carriers, 6, 7; Interstate Commerce Acts, II, 14-24; Jurisdiction, IV, 16; VI, 5, 6.
- TREATIES.** See Aliens, 9-15; Jurisdiction, IV, 20.
Japan, 1911; Aliens; Land Ownership. Treaty does not confer upon Japanese subjects right to own, lease or have interest in land for agricultural purposes. *Terrace v. Thompson*..... 197
Porterfield v. Webb..... 225
Webb v. O'Brien..... 313
Frick v. Webb..... 326
- TRIAL.** See Criminal Law, 6, 10.
- TRUSTS AND TRUSTEES.** See Executors and Administrators; Public Lands, II, 1.
Judges; Disqualification; Trustee of Similar Subject Matter. Judge not disqualified, in case involving duties of corporation under conventional trust, because of being executor and trustee to whom stock in corporations holding property under like trusts has passed for disposal under will. *Rooker v. Fidelity Trust Co.*..... 413
- TUCKER ACT.** See Contracts, 3.
- UNFAIR COMPETITION:**
Federal Trade Commission Act. Right of wholesale dealer, in interstate commerce, to stop dealing with manufacturer undermining his trade by selling to competing wholesaler or to retailer competing with his customers. *Federal Trade Comm. v. Raymond Bros.-Clark Co.*..... 565
- UNIONS.** See Anti-Trust Acts, 2, 3.
- UNITED STATES.** See Aliens; Anti-Trust Acts; Banks and Banking; Condemnation; Contracts, 3; Indians; Navy; Public Lands; Taxation, II; Treaties.
 Suit against. See Aliens, 16; Jurisdiction, IV, 7, 10.
Id. Director General; actions arising out of federal control. See Carriers, 4-7.
 Corporate instrumentalities; state taxation. See Constitutional Law, I, 3; Jurisdiction, VI, 4.
Id. Emergency Fleet Corporation; conspiracy to defraud. See Criminal Law, 8.
 Suit to set aside order of Interstate Commerce Commission; objection to venue; waiver. See Procedure, IV, 6.
 Use of invention. See Patents for Inventions, 3, 4.

VALUATION. See **Banks and Banking**, 7-10; **Constitutional Law**, III, 8; XIII, 2, 3, 14-16, 22; **Equity**, 2, 3; **Interstate Commerce Acts**, II, 15-24.

VENUE. See **Jurisdiction**, III; IV, 8, 24; VI, 9.

VERDICT. See **Jurisdiction**, IV, 9.

WAIVER. See **Jurisdiction**, III; IV, 8, 24; VI, 9.

WAR:

Warlike operations; marine insurance. See **Admiralty**, 5-7.
Corporate instrumentalities of United States; war purposes; state taxation. See **Constitutional Law**, I, 3; **Jurisdiction**, VI, 4.
Trading with the Enemy Act. See **Aliens**, 16-19.

WARRANT. See **Aliens**, 3, 6; **Criminal Law**, 2, 3.

WATER COMPANIES:

Franchises. See **Constitutional Law**, IV, 3, 4.

WATERS:

- Appropriation. See **Public Lands**, III, 4-7.
Reclamation Act; reservoirs. See **Condemnation**, 1.
Id. Rights of way. See **Public Lands**, III, 1-3.
1. *State Drainage System; Injunction by Sister State to Protect Farm Owners.* Right of State to resort to original jurisdiction of this Court to enjoin flooding of private lands caused by drainage operations of adjoining State. *North Dakota v. Minnesota*..... 365
 2. *Id. Burden of Proof.* Burden on plaintiff State of sustaining allegations is greater than that of plaintiff in private suit. *Id.*
 3. *Id. Eleventh Amendment; Money Damages.* Claim for, by State, on behalf of citizens, against another State, not within original jurisdiction of this Court. *Id.*
 4. *Id. Evidence,* held to show floods caused by excessive rainfalls rather than by drainage operations of defendant State; fails to sustain burden on plaintiff State of proving allegations to contrary. *Id.*

	Page
WILLS. See Executors and Administrators; Trusts and Trustees.	
<i>Mental Capacity; Burden of Proof; District of Columbia Law.</i> Under caveat to will, whether filed before or after probate, burden of proof as to mental capacity of testator is upon caveator. <i>Brosnan v. Brosnan</i>	345
WITNESSES. See Evidence, 2.	
Self-incrimination. See Constitutional Law, IX, 2.	
WORDS AND PHRASES:	
1. "Authority under a State." See <i>New Orleans Land Co. v. Brott</i>	97
2. "Bequest." See <i>United States v. Merriam</i>	179
3. "Date," of issue. See <i>Mutual Life Ins. Co. v. Hurni Packing Co.</i>	167
4. "Infamous crime." See <i>Brede v. Powers</i>	4
5. "Interstate commerce." See Interstate Commerce.	
6. "Jurisdiction." See <i>Binderup v. Pathe Exchange</i>	291
7. "Retirement." See <i>Denby v. Berry</i>	29
8. "Service," naval. See <i>United States v. Slaymaker</i>	94
9. "Unfair competition." See Unfair Competition.	
10. "Warlike operations." See <i>Queen Ins. Co. v. Globe & Rutgers Co.</i>	487
WORKMEN'S COMPENSATION ACTS. See Constitutional Law, XIII, 7, 8.	
WRIT. See Habeas Corpus; Mandamus; Quo Warranto.	
Error and certiorari. See Jurisdiction; Procedure.	
Prohibition. See Jurisdiction, IV, 7.	